

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**POLICE COMPLAINTS BOARD  
OFFICE OF POLICE COMPLAINTS**



**ANNUAL REPORT  
FISCAL YEAR 2010**

1400 I Street, NW, Suite 700 ★ Washington, DC 20005  
Tel: (202) 727-3838 ★ Fax: (202) 727-7638  
Toll-Free 24-Hour Hotline (866) 588-0569 ★ [www.policecomplaints.dc.gov](http://www.policecomplaints.dc.gov)



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POLICE COMPLAINTS BOARD  
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March 17, 2011

Dear Mayor Gray, Members of the District of Columbia Council, Chief Lanier,  
and Chief Pittman:

We are pleased to submit the 2010 Annual Report for the Office of Police Complaints (OPC) and its governing body, the Police Complaints Board (PCB). This report covers the agency's operations during the District of Columbia Government's fiscal year from October 1, 2009, through September 30, 2010.

Fiscal year 2010 has been another year of growth and progress in several areas of the agency's work of investigating, adjudicating, and mediating citizen complaints of police misconduct, making recommendations for police reform, and conducting outreach to underserved communities. The volume of complaints received this year increased 5.8% from the number of complaints received in fiscal year 2009 (from 550 to 582). This increase occurred despite the agency also experiencing a 6.0% decrease in the number of individuals who contacted OPC (from 1,087 to 1,025). The growth in the number of complaints nearly returns OPC to the same record-breaking 600 complaints of 2008. This generally upward trend has been occurring since OPC's opening in 2001, with an increase in complaint numbers occurring in eight of the agency's ten years of operation.

The following is an overview of the agency's work during the year:

- Over 1,000 people contacted OPC to inquire about filing a complaint. The agency received 582 complaints. In total, since the agency opened in January 2001, it has had over 8,300 contacts and has handled nearly 4,200 complaints.
- OPC closed 533 complaints this fiscal year, an increase of 6.6% over last year. The agency also finished the year with 319 open complaints, an 18.1% increase from last year.
- As part of investigating these complaints, OPC conducted over 850 interviews, which included more than 460 police officer and 393 citizen interviews, and the agency prepared 299 investigative reports.

- OPC conducted 37 mediation sessions, 29 of which were successful and led to an agreement between the complainant and subject officer that resolved the complaint. Since opening, OPC has mediated 279 complaints, with an overall success rate of approximately 78%.
- PCB issued two reports and sets of recommendations to the Mayor, the Council, and the chiefs of police of MPD and the Office of Public Safety (OPS), the agency assigned to furnish security for public housing facilities. In total, PCB has issued 25 policy recommendations.
  - OPC has received complaints from moped and motor scooter operators who were unaware of or mistaken about the city's legal requirements for such vehicles, and thus incorrectly believed that MPD officers had acted improperly in stopping or ticketing them. Although the District's Department of Motor Vehicles (DMV) provides website information explaining the basis for classifying some mopeds and motor scooters as motorcycles and others as motorized bicycles, some of this information is difficult to locate online. Accordingly, PCB recommended that the District better publicize the requirements for mopeds and motor scooters through a renewed public education campaign involving wide distribution of a new and easy-to-understand brochure or pamphlet.
  - PCB issued a report adopting a written Open Meetings policy establishing procedures for public participation in the board's official meetings. Although PCB meetings have always been open to the public under District law, the new policy announced procedures for the publication of board meeting minutes as well as public notification of PCB meetings. The policy also detailed the circumstances under which such meetings or any portions of them may be closed to the public. The adoption of the policy appears to make this agency's board the first in the District government to promulgate formally such "open meetings" requirements.
- OPC conducted outreach events targeting a variety of audiences, including public school students, tenants of public housing properties, and the Latino and Asian communities.

One of the advantages of effective and independent police review is the institutional capacity to follow up and report on the implementation of recommendations for police reform. Overall, we have been pleased with the steps taken by MPD and the city to implement the proposals made by PCB. Appendix A of this annual report contains detailed information on the status of these proposals for police reform. One major example illustrating the effect of PCB policy recommendations is the District Council's recent enactment of changes to the city's disorderly conduct law. PCB highlighted problems with MPD's enforcement of the disorderly conduct law in a 2003 report and set of recommendations. During most of fiscal year 2010, OPC staff members participated on a task force that produced a report that led to the revised disorderly conduct law. The work of the task force and our agency in this area is discussed further in the report.

Despite these tangible results flowing from the issuance of PCB policy recommendations, the fiscal situation of the District is impacting enhanced police accountability, as MPD and other city agencies have cited budgetary concerns as impediments to fully implementing PCB's recommendations in some areas.

While OPC, MPD, and OPS maintain regular contact and positive working relationships, OPC continues to face some challenges to its authority to investigate complaints of police misconduct.

For example, OPC referred to MPD a 42% increase in the number of requests to discipline officers who had failed to appear or cooperate with OPC's processes. Further, we are troubled that there were numerous instances where MPD did not provide adequate justifications for exonerating uncooperative officers. We note that confidence in the District's police accountability system is undermined when there are doubts about whether MPD is taking vigorous steps to ensure the full and complete cooperation of all officers who participate in OPC's processes. As a result, OPC will continue to press the Department to hold uncooperative officers accountable, and we will report the results of our efforts.

Another challenge facing OPC is obtaining routine police reports and other paperwork, from MPD that are needed during OPC investigations. To illustrate, during the first quarter of fiscal year 2010, between October 1, 2009, and December 31, 2009, OPC requested 245 documents from MPD but was furnished with only 117 of them, or just under 48%. OPC has raised these issues with MPD. OPC has further pointed out to the Department that direct access to reports and forms through the computerized access methods it uses would greatly reduce the time and expense MPD needs to fulfill OPC document requests, shorten the duration of OPC's investigatory process, and bring the District into line with best practices in the field of independent police review.

In the coming fiscal year, we are looking forward to building on our accomplishments, particularly those of departing PCB member Victor Prince, who has served the District in that capacity from his swearing in on March 20, 2007, until March 9, 2011, when he resigned from the board. We thank Mr. Prince for his work, his leadership, and the extraordinary dedication evidenced by the voluntary service for two years beyond the end of his original term.

We also look forward to furthering changes that we think will improve the police accountability system in Washington, D.C. As noted in the Appendix A policy recommendations section, the District Council did not take action on proposed legislation that would allow our agency to monitor and publicly report on the volume, types, and dispositions of citizen complaints resolved by MPD, in the same way that our annual reports have consistently and publically furnished this information regarding the complaints handled by OPC. Over time, the monitoring legislation, if enacted, can be expected to strengthen police accountability in the nation's capital and lead to more targeted proposals for police reform. We will therefore continue to urge the Council to enact a police monitoring bill.

In the world of police accountability, our agency already performs a wider range of functions than most other offices – from investigating, mediating, and adjudicating individual

complaints, to conducting community outreach, making policy recommendations, monitoring the police department's handling of protests, and publicly reporting on our operations and MPD – but we will continue to improve these functions to better serve the District and promote greater confidence in its police.

Respectfully submitted,



Kurt Vorndran  
Chair  
Police Complaints Board



Philip K. Eure  
Executive Director  
Office of Police Complaints

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## **I. AGENCY INFORMATION**

### **A. Agency Structure and Complaint Process**

Information about the structure and operation of the Police Complaints Board (PCB) and the Office of Police Complaints (OPC), the agency's history, and the complaint process can be found on OPC's website, [www.policecomplaints.dc.gov](http://www.policecomplaints.dc.gov). This information was also included in the agency's annual reports issued for fiscal years 2001 through 2005.

### **B. Police Complaints Board Members**

The current members of the Board are as follows:

***Kurt Vorndran***, the chair of the Board, is a legislative representative for the National Treasury Employees Union (NTEU). Prior to his work at NTEU, Mr. Vorndran served as a lobbyist for a variety of labor-oriented organizations, including the International Union of Electronic Workers, AFL-CIO (IUE) and the National Council of Senior Citizens. Mr. Vorndran served as the president of the Gertrude Stein Democratic Club from 2000 to 2003 and as an elected ANC Commissioner from 2001 to 2004. He received his undergraduate degree from the American University's School of Government and Public Administration and has taken graduate courses at American and the University of the District of Columbia. Mr. Vorndran was confirmed by the District Council on December 6, 2005, and sworn in as the second chair of the Board on January 12, 2006. His first term expired on January 12, 2008, and he continues to serve until he is reappointed or a successor has been appointed.

***Assistant Chief Patrick A. Burke*** has over 21 years of service with the Metropolitan Police Department (MPD) and currently serves as the assistant chief of MPD's Homeland Security Bureau. During his career with the Department, Assistant Chief Burke has served in four of the seven police districts, the Special Operations Division, the Operations Command, and the Field and Tactical Support Unit. He received his undergraduate degree in criminal justice from the State University of New York College at Buffalo, a master's degree in management from the Johns Hopkins University, a master's degree in Homeland Security Studies from the Naval Post Graduate School's Center for Homeland Defense and Security, and a certificate in public management from the George Washington University. He is also a graduate of the Federal Bureau of Investigation's National Academy in Quantico, Virginia, and the Senior Management Institute for Police (SMIP) in Boston, Massachusetts. He has also attended counter-terrorism training in Israel.

Assistant Chief Burke has received a variety of MPD awards and commendations, including the Achievement Medal, the Meritorious Service Medal, the Police Medal, and the Lifesaving Medal. He has also received the Cafritz Foundation Award for Distinguished District of Columbia Government Employees, the Center for Homeland Defense and Security's Straub Award for Academic Excellence and Leadership, and the National Highway Traffic Safety Administration Award for Public Service. He has served as the MPD's principal coordinator and incident commander for myriad major events, including the 2008 visit by Pope Benedict XVI, the 2008 G-20 Summit, and the 56th Presidential Inaugural in 2009. In addition to the PCB, Assistant Chief Burke sits on numerous boards, including the

D.C. Police Foundation and the Washington Regional Alcohol Program. He also serves as the Chairman of MPD's Use of Force Review Board. Assistant Chief Burke is an active coach for youth sports and is a member of numerous community and volunteer organizations within the District of Columbia, where he resides with his wife and four children. He was confirmed by the District Council as the second MPD member of the Board on January 3, 2006, and sworn in on January 12, 2006. His first term expired on January 12, 2009, and he continues to serve until he is reappointed or a successor has been appointed.

***Karl M. Fraser*** is an associate director who oversees clinical oncology research at a pharmaceutical company in Rockville, Maryland. Mr. Fraser received his undergraduate degree in biology from Howard University and a master's degree in biotechnology from Johns Hopkins University. He has been active in his community, including serving as an elected ANC Commissioner. Mr. Fraser was confirmed by the District Council on December 6, 2005, and sworn in on January 12, 2006. His first term expired on January 12, 2008, and he continues to serve until he is reappointed or a successor has been appointed.

***Margaret A. Moore, PhD*** is a leader in the field of corrections. She has more than 25 years of experience in the administration of both state and municipal prison and jail systems. She is the former director of the D.C. Department of Corrections (DOC).

As director of DOC, Dr. Moore had executive oversight for a complex prison and jail system with more than 10,000 inmates, approximately 4,000 employees, and an annual operating budget of over \$225 million dollars. Prior to coming to the District of Columbia, she was deputy secretary of the Pennsylvania Department of Corrections where she provided executive direction for prison operations within the central region of Pennsylvania. She is known for her track record of promoting women and African Americans into correctional leadership positions and continuously advocating for their advancement and representation at all levels of the corrections profession.

Dr. Moore currently holds the position of assistant professor in the Administration of Justice program at the University of the District of Columbia, Department of Urban Affairs, Social Sciences and Social Work. She was confirmed by the District Council on June 5, 2007, and sworn in on June 27, 2007. Her first term expired on January 12, 2010, and she continues to serve until she is reappointed or a successor has been appointed.

### **C. Office of Police Complaints Staff**

OPC has a talented and diverse staff of 21 that includes nine employees, or 42.8%, with graduate or law degrees, and three attorneys. The diversity of the office has generally mirrored the District's population. Taking into account all employees hired since the agency opened in 2001, the racial and ethnic composition of the workforce has been as follows: 44.8% African-American, 35.8% Caucasian, 14.9% Latino, 1.5% Asian, and 2.9% biracial. In addition, since it opened in 2001, OPC has administered an internship program that has attracted many outstanding students from schools in the Washington area and beyond. As of September 2010, 63 college students and 32 law students have participated in the program.

The current members of OPC's staff are as follows:

**Philip K. Eure** became the agency's first executive director in July 2000 after working as a senior attorney in the Civil Rights Division at the United States Department of Justice, where he litigated on behalf of victims of employment discrimination. While at the Department, Mr. Eure was detailed in 1997-1998 to Port-au-Prince as an adviser to the Government of Haiti on a project aimed at reforming the criminal justice system. Currently, Mr. Eure also sits on the board and serves as immediate past president of the National Association for Civilian Oversight of Law Enforcement (NACOLE), a non-profit organization that seeks to reduce police misconduct throughout the nation by working with communities and individuals to establish or improve independent police review mechanisms. Mr. Eure has spoken at various forums in the District, around the country, and outside the United States on a wide range of police accountability issues. He received his undergraduate degree from Stanford University and his law degree from Harvard Law School.

**Christian J. Klossner** is OPC's deputy director. Appointed to his position in September 2010, he joined the agency after serving as an assistant district attorney at the Office of the Special Narcotics Prosecutor of New York City and at the Office of the Bronx District Attorney. Prior to attending law school, Mr. Klossner worked as a policy advocate and as a staff supervisor at the New York Public Interest Research Group, a not-for-profit advocacy organization focused on environmental, consumer, and government reform issues. He received his bachelor's degree from the State University of New York's University at Albany and his law degree from Fordham University School of Law.

**Kesha Taylor**, the chief investigator, was hired in July 2002 as OPC's assistant chief investigator and promoted to chief investigator in February 2007. Prior to joining the agency, Ms. Taylor worked with the Investigations Division of the Public Defender Service for the District of Columbia for seven years. While there, Ms. Taylor served most recently as a staff investigator and as the coordinator of the internship program. Ms. Taylor obtained her undergraduate degree in political science and English from the University of Vermont. She also received a master's degree in higher education from Cornell University.

**Nicole Porter**, the agency's special assistant, joined OPC in August 2006. Ms. Porter came to the office from the United States Department of Justice's Civil Rights Division, where she worked on police misconduct, disability, and housing discrimination issues. Prior to her tenure with the Justice Department, she served as an attorney with the American Civil Liberties Union of Maryland. Ms. Porter received her bachelor's degree from Tennessee State University and her law degree from the University of Tennessee.

As of the issuance of this report, OPC's other staff members are as follows:

Mona Andrews	Supervisory Investigator
Natasha Bryan	Supervisory Investigator
John R. Brunza	Senior Investigator
Anthony Lawrence	Senior Investigator
Rebecca Beyer	Investigator
KateLyn Claffey	Investigator

Stephanie Clifford	Investigator
Kevin Harris	Investigator
Crystal Rosa	Investigator
Emanuel Ryan	Investigator
Andrew Schwartz	Investigator
Takima Davis	Paralegal Specialist
Devon Pina	Intake Clerk
Nykisha T. Cleveland	Public Affairs Specialist
Stephanie Banks	Administrative Officer
Sonja Wingfield	Staff Assistant
Nydia Figueroa-Smith	Receptionist

## II. THE YEAR IN REVIEW

### A. Introduction

In fiscal year 2010, OPC experienced a 5.8% increase in the number of complaints received during fiscal year 2009 (from 550 to 582) despite also experiencing a 5.7% decrease in the number of individuals who contacted OPC (from 1,087 to 1,025). This increase nearly returns OPC to the same record-breaking 600 complaints of 2008, when the agency experienced a 36.4% surge in the number of complaints received compared to the previous year. This generally upward trend has been occurring since OPC's opening in 2001, with an increase in complaint numbers occurring in eight of the agency's ten fiscal years of operation.

OPC closed 6.6% more complaints than in the previous fiscal year. Despite this increase in closures, OPC finishing the fiscal year with 18.1% more open complaints. In addition to the greater volume of incoming complaints, there are several factors that contributed to the growth in the agency's caseload.

At various stages of the year, OPC had five vacancies in investigator positions and a vacancy in the deputy director position. OPC was also involved in a lawsuit brought by the Fraternal Order of Police (FOP), *The Fraternal Order of Police, Metropolitan Police Labor Committee v. the District of Columbia*, Case No. 4867-08 (D.C. Super.), pursuant to the District's Freedom of Information Act (FOIA). In response to a court order in the litigation to produce and review thousands of documents responsive to FOP's FOIA request, the agency was required to reallocate a major portion of its staff during much of the year. Because of the resources devoted to the litigation, substantial delays occurred in the resolution of complaints.

OPC referred 37 complaints to mediation, with the parties reaching an agreement in 29 of the sessions, or 78.4%. These agreements accounted for 8.9% of the 326 complaints resolved by OPC through conviction, adjudication, dismissal, or successful mediation. Successful mediations and sustained complaints comprise 12.0% of the complaints resolved by the agency.

During the year, PCB issued two reports and sets of recommendations for police reform to the Mayor, the Council, and the two law enforcement agencies under OPC's jurisdiction. The first report and policy recommendation addressed improving public education efforts regarding the use of motor scooters and mopeds and the responsibilities for owners of each. The second report and recommendation outlined the establishment of a formal "Open Meetings" policy by the Police Complaints Board to foster transparency in the District's police accountability system.

These developments and others are discussed in more detail below, along with statistics regarding complaints received and closed by OPC in fiscal year 2010.

## **B. Complaint Examination**

In fiscal year 2010, OPC continued the operation of its complaint examination program. When an OPC investigation reveals reasonable cause to believe misconduct has occurred, OPC then refers the matter to a complaint examiner who determines the merits of the allegations. The complaint examiner can make a determination of merits based on the investigative report or can require an evidentiary hearing, if necessary.

If a complaint examiner determines that an evidentiary hearing is necessary to resolve a complaint, OPC takes steps to ensure that complainants have counsel available to assist them at no cost during these hearings. In general, because officers are represented by attorneys or representatives provided to them by the police union, the Fraternal Order of Police (FOP), OPC has had an arrangement since 2003 with Howrey LLP, a transnational Washington-based law firm, to provide free counsel to complainants whose cases have been set for a hearing before a complaint examiner.

The agency's pool of complaint examiners, all of whom are distinguished attorneys living in the District of Columbia, includes individuals with backgrounds in private practice, government, non-profit organizations, and academia, as well as a variety of other experiences.

### ***1. Decisions***

As the decisions issued by OPC suggest, the complaint examination process is an important forum where members of the public can raise concerns about possible abuse or misuse of police powers and seek protection of their rights when they may not have that opportunity to do so elsewhere. The features of the District's police accountability system offer complainants a relatively unique opportunity to have complaints investigated and resolved by a government agency independent of MPD and the Office of Public Safety (OPS, formerly District of Columbia Housing Authority Police Department) with its own investigative staff and adjudicators. In general, other available forums – principally criminal and civil court – provide few opportunities to raise these issues or have barriers to entry that keep or inhibit people from pursuing them.

To illustrate the issues addressed by the complaint examination process this year, a complaint examiner sustained allegations of harassment against five officers for the unlawful entry and search of a complainant's home and the illegal threat by one of those officers to

arrest the complainant and her daughter. Another complaint examiner exonerated an officer of a harassment allegation while sustaining an allegation of “failure to identify” when that officer refused to provide his full name and badge number after asking a complainant engaged in lawful protest to move along and refrain from swearing near a church. These two decisions are discussed in more detail below.

Each law enforcement agency must inform OPC of the discipline imposed for sustained allegations in each citizen complaint. Table 1, below, lists each of the adjudicated complaints in the order in which they were resolved, identifies the allegations in each complaint, and states the decision reached by the complaint examiner for each allegation.<sup>1</sup> The full text of each decision is available on OPC’s website, [www.policecomplaints.dc.gov](http://www.policecomplaints.dc.gov), and through the online legal databases maintained by LexisNexis and Westlaw.

**Table 1: Complaint Examiner Decisions (FY10)<sup>2</sup>**

	<b>Harassment</b>	<b>Excessive Force</b>	<b>Language or Conduct</b>	<b>Failure to Identify</b>	<b>Discipline Determination</b>
<b>08-0123</b>	Sustained		Sustained		10-day suspension
<b>08-0099</b>	Sustained		Sustained		10-day suspension
<b>06-0206</b>	Sustained	Sustained	Sustained		Letter of Dereliction
<b>05-0113 Subject Officers 1 and 2</b>	Unfounded	Unfounded	Unfounded		N/A
<b>06-0205</b>	Exonerated			Sustained	Letter of Dereliction
<b>06-0053</b>	Sustained/Reversed by Final Review Panel		Sustained/Upheld by Final Review Panel		Formal written counseling and 40 hour in-service training refresher course
<b>06-0359</b>	Sustained	Sustained			10-day suspension
<b>07-0250 Subject Officer 1</b>	Sustained in part, Unfounded in part	Sustained			Official Reprimand
<b>07-0250 Subject Officer 2</b>	Sustained	Sustained			Official Reprimand
<b>08-0107 Subject Officers 1, 2, 3, and 4</b>	Sustained				Letter of Dereliction
<b>08-0107 Subject Officer 5</b>	Sustained				Letter of Prejudice
<b>06-0404</b>	Sustained	Sustained	Sustained		Official Reprimand
<b>09-0012 Subject Officer 1</b>	Sustained				Pending
<b>09-0012 Subject Officer 2</b>	Sustained				Pending

Table 1 now correlates the discipline determination by the law enforcement agency with each OPC complaint. In reporting discipline information, OPC attempts to obtain the final disposition of each matter, and to keep abreast of any developments that may affect the final disposition. Since the discipline process is reasonably complex and can go on for quite some time, there are subsequent reviews that can occur even after MPD and OPS have taken their final action. However, OPC continues to track discipline imposed by the two chiefs of police so that the agency is informed about how MPD and OPS handle the decisions referred by OPC.



For example, OPC reported in the annual report of fiscal year 2009 that discipline was pending in OPC complaint #06-0053 and #08-0043/44. OPC complaint #06-0053 was reviewed by a final review panel in fiscal year 2010, and the decision was upheld in part. The officer, who worked for OPS, was disciplined as described above in Table 1, and the case is described and discussed below. In OPC complaint #08-0043/44, two of the three subject officers received three-day suspensions. The third officer inexplicably had his charges “dismissed” by MPD, which is discussed in more detail in the “Criminal Convictions and Discipline” section below.

Table 1 shows that in several instances MPD reported issuing a “Letter of Dereliction,” also known as a “PD Form 750” or a “Dereliction Report.” A “Letter of Dereliction” is “used as a record of derelict performance in matters that have not reached a serious level of concern or impact, but which need to be brought to the attention of the member so that conduct can be modified to avoid future problems.” It describes the specific violation and identifies measures that must be taken to correct deficiencies. It may also be considered in a performance evaluation and in determining penalties for subsequent incidents of misconduct.<sup>3</sup>

One officer’s discipline is described in Table 1 as a “Letter of Prejudice.” More serious than a “Letter of Dereliction,” this type of discipline consists of “a written notice to a member outlining the specific misconduct, and future consequence” and shall also outline: additional supervision; counseling; training; professional assistance; and a statement that such action shall be considered in performance evaluations, in deciding greater degrees of disciplinary action, and be used as a basis for an official reprimand or adverse action for any similar infraction within a two-year period.<sup>4</sup>

An “Official Reprimand” is a commanding officer’s formal written censure for specific misconduct, and is considered in performance evaluations and personnel assignment decisions, and in deciding greater degrees of disciplinary action for offenses committed within a three-year period.<sup>5</sup> This form of discipline is more serious than both letters of dereliction and of prejudice.

The most serious of the discipline types listed in Table 1 is a suspension. Suspension is defined as “a temporary cessation of pay and police authority, with or without a definite date of restoration.”<sup>6</sup>

The discipline imposed for misconduct in the remaining OPC complaint is listed as “Pending” because MPD has not yet furnished any information regarding discipline. OPC will continue to track complete information regarding discipline outcomes.

Table 2 summarizes the decisions reached by complaint examiners for the past five fiscal years, identifying the frequency of the different outcomes. The table reflects the overall outcome for each complaint.

**Table 2: Complaint Examiner Decisions (FY06 to FY10)**

	FY06		FY07		FY08		FY09		FY10	
<b>Sustained</b>	13	68.4%	19	86.4%	9	81.8%	5	100.0%	10	76.9%
<b>Exonerated</b>	--	--	2	9.1%	1	9.1%	--	--	--	--
<b>Insufficient Facts</b>	--	--	--	--	1	9.1%	--	--	--	--
<b>Unfounded</b>	2	10.5%	1	4.5%	--	--	--	--	1	7.7%
<b>Withdrawn</b>	4	21.1%	--	--	--	--	--	--	2	15.4%
<b>Total</b>	19		22		11		5		13	

Eleven decisions were issued by complaint examiners or by a final review panel in fiscal year 2010, ten of which sustained at least one allegation of misconduct.<sup>7</sup> Please note that the sustain rate of 90.9% does not reflect all complaints resolved by OPC. Rather, this percentage reflects the number of complaints forwarded to the complaint examiner that were also sustained. Thus, this rate does not include complaints that resulted in a criminal conviction, were successfully mediated, were dismissed because they lacked merit, or were dismissed because the complainant would not cooperate with OPC’s process.

**2. Complaint Examination Examples**

To illustrate the types of complaints that were resolved by complaint examiners in fiscal year 2010, the following are two examples of complaints and the resulting decisions:

**a. Example #1 – OPC #08-0107**

The complainant, a District resident, alleged that she was at home with her two daughters and her granddaughter when two subject officers came to the door and asked to speak with her. Upon entering the home with the complainant’s permission, one of the subject officers asked the complainant if she knew two individuals whom the police wished to question. The subject officer also asked the complainant if a particular telephone number belonged to her. The complainant stated she did not know either individual and that the telephone number did not belong to her.

Two more subject officers arrived. They also asked the complainant and one of the complainant’s daughters the same questions. The daughter stated she did not know the people sought, but that the telephone number was her old cell phone number. At that point, one of the subject officers asked the complainant if he could search her home. When the complainant refused because the officers did not have a search warrant, one of the officers made a phone call to a fifth subject officer, who was his supervisor. After speaking to the supervisor, the subject officer told the complainant that he was ordered to search the house.

The four subject officers searched the entire house. When the search failed to uncover anything, the subject officer who initiated the search tried to question the complainant’s daughter about the telephone number. The complainant instructed the daughter not to answer any of the subject officer’s questions. The officer then reportedly threatened to “lock up” the complainant’s daughter and arrest the complainant. Following completion of its investigation,

OPC found reasonable cause to believe misconduct had occurred and referred the matter to a complaint examiner.

After conducting an evidentiary hearing, the complaint examiner sustained the harassment allegation against all of the subject officers, including the supervisor, finding that the subject officers lacked probable cause to search the complainant's home without a warrant or consent and that exigent circumstances were not present. The complaint examiner also sustained the harassment allegation against the subject officer who threatened to arrest the complainant and her daughter, concluding that the complainant and her daughter had a right to question the legitimacy of the search and refuse to answer questions.

***b. Example #2 – OPC#06-0205***

The complainant was conducting a lawful protest in downtown Washington, D.C. She alleged that the subject officer harassed her and fellow demonstrators by telling them to stop using profanity and by asking them to leave the area. The complainant also alleged that the subject officer failed to wear any identification or provide his name and badge number when requested to do so.

According to the complainant, as she and the other demonstrators were engaging in protest in front of a downtown hotel, the subject officer approached the group and informed them that they had to leave the area. The subject officer allegedly told the complainant and her fellow demonstrators that they were “cussing in public” and using profane language near a church. The complainant and her fellow demonstrators refused to leave, telling the subject officer that they had the right to engage in lawful protest activities. The complainant and her friends then repeatedly asked the subject officer for his badge number. The subject officer, who was not wearing a name tag or badge at the time of the incident, reportedly refused to provide the requested information. Instead, he gave the group his first initial and last name, telling them, “That’s all you need to know.” Following completion of its investigation, OPC found reasonable cause to believe misconduct had occurred, and referred the matter to a complaint examiner for a merits determination.

After conducting an evidentiary hearing, the complaint examiner exonerated the subject officer of the harassment allegation, finding that the subject officer did not seek to “annoy, bother, or interfere” with the complainant’s right to protest, and that the officer’s request that the group refrain from cursing did not prevent the complainant and her colleagues from demonstrating. The complaint examiner noted that despite the subject officer’s request that they leave, the group did not disperse and continued to engage in protest activities. The complaint examiner sustained the failure to identify allegation against the subject officer, finding the subject officer did not provide his full name and badge number or display his identification as required by MPD directives.

***3. Final Review Panel***

The statute governing OPC allows the two chiefs of police to appeal a complaint examiner decision.<sup>8</sup> If a chief determines that a decision sustaining any allegations “clearly misapprehends the record before the complaint examiner and is not supported by substantial,

reliable, and probative evidence in that record,”<sup>9</sup> that chief may return the decision for review by a final review panel composed of three complaint examiners, with none being the original examiner. The final review panel then determines whether the original decision should be upheld using the same standard.

In fiscal year 2010, the chief of OPS returned to OPC for consideration by a final review panel a decision sustaining an allegation of harassment and a language or conduct allegation. A panel of three complaint examiners reviewed the initial decision, the record as it existed before the original complaint examiner, and the materials submitted by the OPS police chief, and reversed the decision on the harassment allegation while upholding the decision on the language or conduct allegation.

The complaint examiner who originally reviewed OPC complaint #06-0053 had sustained the harassment allegation against the OPS officer for improperly arresting the complainant’s grandson for unlawful entry onto D.C. Housing Authority (DCHA) property. The complainant, a DCHA resident, stated that the officer never informed her that her grandson was barred from her apartment. The complaint examiner found that the subject officer failed to issue a valid barring notice to the complainant as required by District regulations, thus making the grandson’s subsequent arrest for unlawful entry improper, and also found that the subject officer used insulting, demeaning, or humiliating language towards the complainant’s daughter during the arrest.

OPS disagreed with the complaint examiner’s decision, stating that the subject officer had, in fact, attempted to issue a valid barring notice to the complainant, and that OPC did not ask the subject officer during its investigation whether he had done so. The final review panel found that due to the lack of inquiry into whether the subject officer had issued a valid barring notice to the complainant, the evidence in the record was insufficient to support a finding of harassment. Accordingly, the panel found that the sustained harassment determination was premised on a clear misapprehension of the record. However, the final review panel upheld the language or conduct allegation against the subject officer, finding that there was sufficient evidence in the record below to sustain the charge.

## **C. Criminal Convictions and Discipline**

### ***1. Criminal Convictions***

The statute governing OPC requires that the agency refer complaints alleging criminal conduct by police officers to the United States Attorney for the District of Columbia for possible criminal prosecution of the officers. OPC makes these referrals on a regular basis after conducting preliminary investigative work, such as interviewing complainants and non-police witnesses, obtaining medical records, police reports, and other documents, and gathering other information requested by the federal prosecutors who review these matters. The agency refers approximately 15 percent of its complaints each year to the United States Attorney’s Office. During fiscal year 2010, OPC did not close any complaints that resulted from criminal convictions.

## 2. *Complaint Examiner Decisions*

For purposes of imposing discipline, OPC forwards to the chiefs of police of MPD and OPS all OPC decisions that sustain at least one allegation of misconduct. As illustrated in Table 1, fiscal year 2010 included 11 decisions by complaint examiners, ten of which sustained at least one allegation of misconduct. OPC sent nine of these decisions to MPD and one of the decisions to OPS in order for the respective law enforcement agencies to impose discipline on a total of 16 subject officers. Table 1 shows that discipline has been imposed on 14 of the officers and in nine of the cases.

The remaining complaint examiner decision, designated as pending in Table 1, is awaiting the imposition of discipline, and OPC will continue to monitor this cases and report its status in the next annual report.

OPC’s fiscal year 2009 annual report also listed discipline determinations for two cases as “pending.” The first, discussed in the preceding section, was OPC complaint #06-0053. The remaining complaint, #08-0043/44, although issued towards the end of fiscal year 2009, was sent to MPD in fiscal year 2010 for the purposes of imposing discipline. Two of the three officers were suspended for three days. MPD reports that the merits finding against the third officer was “dismissed” by the Department’s director of Disciplinary Review Division for “no preponderance of evidence.” It is unclear to OPC at the time of publishing this report what MPD’s basis for this action was, either factually or legally, since MPD “dismissal” of OPC-sustained decisions is not an option under District law. OPC will seek to obtain explanation and report on the matter in next year’s annual report, as well as take steps to prevent another instance of “dismissal.”

**Table 3a: Discipline for Sustained Complaints (FY03 to FY10)**

<b>Discipline or Action Taken<sup>10</sup></b>	<b>Total</b>
Terminated	1
Resigned <sup>11</sup>	3
Demoted	1
20-Day Suspension	6
15-Day Suspension	6
11-Day Suspension	1
10-Day Suspension	15
5-Day Suspension	6
3-Day Suspension	10
2-Day Suspension	1
Official Reprimand	17
Letter of Prejudice	3
Dereliction Report	8
Formal Counseling	15
<b>Total</b>	<b>93</b>

### 3. *Failure to Cooperate by MPD Officers*

By statute, MPD and OPS employees must cooperate fully during investigations and adjudications of OPC complaints.<sup>12</sup> When OPC refers complaints to mediation, officers also must participate in good faith in the mediation process.<sup>13</sup> Each time an officer fails to cooperate in the investigation or mediation process, OPC issues a discipline memorandum to MPD or OPS, which should result in the imposition of discipline by the relevant law enforcement agency in accordance with the statutory mandate. The chart below compares data provided by MPD for fiscal years 2008, 2009, and 2010.

OPC records show that in fiscal year 2010 OPC sent 82 discipline memoranda to MPD and two to OPS. This is a 42% increase in the incidence of officers failing to appear or cooperate. This increase comes despite efforts made by OPC and MPD to improve the scheduling and notification procedures for both agencies to ensure that timely notice is provided to all officers. Also troubling is that, of the 82 memoranda sent to MPD, the Department reported the status of only 68, leaving over 17% of OPC's discipline requests unresponded to by MPD.

To remedy the failure in reporting, OPC has begun sending MPD a running list of outstanding discipline requests with the expectation that this increased communication will yield more thorough reporting, and by extension, more consistent discipline.

In last fiscal year's annual report, OPC raised the concern that many officers were being exonerated without explanation. MPD has responded to this point, and despite some ongoing concerns about clarity, has begun providing narratives that explain the bases of exonerations. Unfortunately, MPD's reports demonstrate an ongoing problem with many officers receiving no discipline when they fail to appear.

**Table 3b: Discipline for Failure to Cooperate**

	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
Officer Exonerated (no reason provided)	17	15	1
Officer Exonerated, other individual disciplined	1	5	7
Officer Exonerated, lack of notification	-	11	2
Officer Exonerated, excused by MPD	-	-	6
Unfounded	-	4	27
Sustained, letter of admonition	-	-	1
Sustained, letter of prejudice	4	1	1
Sustained, "Form 750" or "PD 750"	16	14	17
Sustained, "Official Reprimand"	3	1	-
Notice of Deficiency, Form 62E	2	2	-
No action, officer no longer employed	2	-	5
Not reported or information incomplete	7	5	16
Withdrawn by OPC	-	1	-
Pending	-	-	1
<b>Total OPC Notifications Issued</b>	<b>53</b>	<b>59</b>	<b>84</b>

Exonerations have dropped from 31 instances in fiscal year 2009 to 16 in fiscal year 2010, with explanations that generally support the finding. However, the use of “unfounded” as an explanation has increased substantially to 27 from just four last year. OPC has raised this trend in a letter to MPD’s chief of police, focusing specifically on 22 findings of “Unfounded” justified by MPD as based on “no CANS requested from OPC.”<sup>14</sup> MPD General Order 120.25(V)(F)(6)(d) defines “Unfounded” as the appropriate disposition when “the investigation determined no facts to support that the incident took place.” In each instance of an officer’s failure to appear, OPC had sent a discipline memorandum that specifically stated “OPC issued a CANS notice,” named the officer, and described when the notification was requested. As a result, OPC has asked MPD to review the investigations supporting these 22 “Unfounded” determinations to ascertain why the officers did not receive the notification.

In the interim, OPC is including with each “failure to appear” discipline memorandum a copy of the e-mail to MPD’s CANS clerk requesting the officer’s appearance. The agency is also generating receipts that the e-mails were opened by a CANS officer and by the MPD liaison to further support MPD’s investigations.

The persistently large number of disciplinary exonerations and unfounded determinations raise questions as to whether MPD officials are aware that the failure to cooperate with OPC processes is a violation, in and of itself, of District law requiring the imposition of discipline.<sup>15</sup> Absent clear evidence that the violation did not occur, some form of discipline must be imposed when an MPD member has failed to cooperate with OPC. By failing to consistently impose discipline that is mandated by statute, MPD risks giving the impression that a member’s failure to cooperate with OPC will not be viewed as a serious matter. This could have a detrimental effect on the District’s police accountability system.

OPC has asked MPD in meetings, letters, and two prior annual reports to be afforded the opportunity, prior to a final MPD determination to exonerate for failure to appear, to rebut or otherwise respond to information upon which such determination will be made. OPC would use this opportunity to present evidence in the agency’s possession that supported the request for discipline. OPC is uncertain why this request has not been granted, as MPD has provided no explanation or response. OPC’s most recent request for this opportunity to provide input sought a written response from MPD that includes, should the response be a denial, the Department’s basis. OPC will continue to report on the status of this issue.

MPD has shown responsiveness to some of OPC’s concerns regarding discipline. In fiscal year 2010, only three officers failed to cooperate with OPC’s process once arriving at OPC’s office. Discipline was sought by MPD in each instance, and was upheld after disciplinary review in two of the three instances. While it is unclear at the time of publishing this report what the basis for overturning MPD’s proposed discipline in the third instance was, MPD has made an overall improvement in ensuring officers understand that they must cooperate once arriving at OPC. MPD has also continued to discipline officers whose failure to transmit CANS notifications as part of their duties causes other officers not to appear at OPC in connection with investigations. These are important steps forward in ensuring greater police accountability.

## **D. Mediation**

### ***1. Operation of the Program***

In fiscal year 2010, OPC, through its mediation service, the Community Dispute Resolution Center (CDRC), mediated 37 complaints, bringing the grand total to 279 complaints mediated since the inception of the agency's mediation program in 2001. During fiscal year 2010, the parties reached an agreement in 29 of the 37 mediation sessions, or 78.4%, and these agreements accounted for 8.9% of the 326 complaints resolved by OPC through conviction, adjudication, dismissal, or successful mediation. Experts in the field have used these three measures – “the total number of complaints referred for mediation, the percentage of those cases that were successfully mediated, and the percentage of all complaints that were successfully mediated”<sup>16</sup> – to survey and compare the operation of mediation programs used by different police oversight agencies.<sup>17</sup> With 8.9% of resolved complaints being resolved through mediation in fiscal year 2010, OPC's performance continues to place it at or near the top when compared to other mediation programs in the United States.

Since the program began in 2001, 279 cases have been referred to mediation and, of those, 211 mediation sessions, or 75.6%, have been successful and resulted in an agreement between the parties that resolved the complaint. The remaining 68 mediation sessions, or 24.4%, did not result in an agreement and the underlying complaints were referred back to the executive director for appropriate action. To date, mediators have helped resolve complaints that allege harassment; the use of language or conduct that is insulting, demeaning, or humiliating; discrimination; the use of unnecessary or excessive force not resulting in injury; failure to provide identification; retaliation; or a combination of the six. OPC is pleased that it has achieved and maintained an increased number of complaints referred to mediation, a significant percentage of successful mediations, and a noteworthy percentage of all cases resolved through mediation agreements.

In addition to the statistical success rate, a survey of individuals who participated in mediation during fiscal year 2010 indicated that 97.6% of complainants and subject officers who responded found the mediator to be helpful or very helpful, 88.0% found the mediation session to be satisfactory or very satisfactory, and 96.0% found the resulting agreement to be fair or very fair. With the aim of the program being to enhance community-police relations, it is important that such a high proportion of participants come away with a positive view of the mediator and the process, as well as the agreement that both sides worked toward reaching. For fiscal year 2010, 50% of the respondents left their mediation session with more positive feelings about the other party, while 9% had more negative feelings, and 40.8% indicated no change in their feelings. Finally, OPC is proactively taking steps to protect the integrity of the mediation process by dismissing complaints and pursuing discipline of officers when one of the parties fails to appear for mediation or refuses to participate in the mediation process in good faith.



## 2. *Mediation Examples*

The following examples illustrate the types of complaints that OPC referred to mediation in fiscal year 2010:

### *a. Example #1*

The complainant and her daughter got into their car in the parking lot of a local grocery store. A man came to the complainant's window and said the complainant had scratched his car. The woman said she hadn't. The man was insistent she had, and she said the man tried to open her door. That frightened her and so she began to drive away. The man then said, "Don't leave or you will be charged with hit and run." She responded, "By whom?" The man then identified himself as a police officer. She stopped her car and asked for ID. She remembers that he did not give his name or badge number.

The conversation escalated. The complainant called her sister (also an MPD officer), and another uniformed officer came over to help. The complainant gave her ID information to the uniformed officer, but never received information from the officer who initially confronted her. She went with her daughter to the District station to complain and saw the officer again, this time in uniform. The complainant said his behavior frightened both her and her daughter, and she has since been afraid to go to the store at the site of the initial police encounter for fear the officer will be there and retaliate against her in some way.

At mediation, each recounted how they remembered the incident. The complainant focused on the way it felt for her to be approached by a stranger, accused of damaging his car when there was no damage to be seen, and then having him try to open her door. She emphasized her respect for MPD officers and the impact this incident has had on her and her daughter. The officer explained his perspective on the events. He said he understood her reaction and how she felt, and apologized for upsetting her and her daughter and causing them to be afraid to shop at their neighborhood store. She accepted his apology. He offered to apologize to the daughter as well so that she could see that police officers are not people to be afraid of and it was agreed that the woman would bring her daughter to the station so the meeting could take place.

### *b. Example #2*

The complainant filed a complaint for excessive force, harassment, and use of inappropriate language during a traffic stop. The complainant, an adult male, alleged he was a passenger in a car that was pulled over shortly after midnight because the tags were obscured. While one officer spoke to the driver, another officer came to the complainant's window and spoke to him. The window was open a bit at the top, so the complainant thought it was adequate for communication. The officer shone her flashlight into the complainant's eyes and questioned him. When the complainant said that the light was bothering him, the officer turned it aside for a moment, but then shone it into his eyes again. The complainant explained that this irritated him. The officer asked him to open his window. Because he was annoyed, he refused. After they argued about opening the passenger-side window, the driver finally opened it. The officer directed the complainant to exit the car, and told him to stand at

the back. The complainant made a comment to the officer after which the officer said he was under arrest.

The complainant was handcuffed and placed in a squad car. Instead of going directly to booking, the car responded to two calls while he sat in the back with his hands painfully handcuffed behind him. After complaining of pain, the officer stopped and loosened the cuffs. Although he expected to be released shortly after being booked, the complainant learned that he was charged with assault on a police officer. He spent a day in jail and had to appear in court, at which time the case was dismissed.

All of this happened two years before the mediation. Mediation had been scheduled twice in that time and cancelled each time because the officer was unable to attend. By the time they appeared for mediation, the complainant was frustrated and had no confidence that the process could offer him any satisfaction. The officer was annoyed to have to show up to deal with the issue.

The complainant spoke for 40 minutes about the incident, its aftermath, and his feelings throughout the events. He said that what bothered him the most was the feeling of disrespect with which he believed he had been treated throughout and that the officer could have calmed the situation several times instead of escalating it. He acknowledged also that he could have behaved differently by opening his window when asked to and not arguing. He concluded by saying that he wanted something positive to come out of all of it. He suggested that the officer could come to a workshop with students at the university where the complainant taught to talk to them about the “dos and don’ts” when stopped by a police officer.

The officer said she understood his perspective and that, while she disagreed with some of his version of the events and had a different perspective, she agreed that it was a good learning opportunity for both of them. She apologized for his feeling disrespected and explained that when it is dark out and an officer approaches a car, it is necessary for the officer’s safety to use a flashlight and shine a light directly into the car. She explained also that when he refused to open his window, it triggered in her a response that he was hiding something and led to the events that followed.

Both agreed they had learned from the conversation. They agreed to arrange a workshop for the complainant’s students at which the officer would talk about police procedures and the best way to behave when stopped by an officer in the hope of preventing similar situations from occurring.

*c. Example #3*

The complainant filed a complaint citing harassment and inappropriate use of language against an officer who does part-time security work for a large home construction chain in a strip mall.

The complainant has been working with a group of Hispanic immigrant construction workers who congregate in the parking lot of the store seeking day jobs. The store owners

had said people cannot loiter in their lot and designated an area where the workers can stand. Because the workers are anxious to get jobs as potential employers arrive, they run after cars and people leaving the store in an effort to be the first in line for an opportunity.

The officer explained that he tries to enforce the store rules about where people can stand. Every day there are people he deals with who continually move out of the designated area. He has been dealing with the problem for three years, attended numerous community meetings to try to address the problem, and is frustrated by some people's refusal to follow the rules.

The complainant said he thinks the officer is harsh, rude, and overly aggressive with the workers. The complainant knows the officer is Hispanic and believes he should be more sympathetic to the workers, the majority of which dislike the officer and want him removed. The complainant collected about 80 signatures to have the officer removed.

The officer explained the background and the store's rules that he was hired to enforce. He said he has tried every approach and nothing works. He acknowledged that he is often frustrated, may use a loud voice and may threaten to arrest people, but believes he has been forced to behave this way. He also raised as a concern where the complainant parks.

After talking about all of the issues, both agreed that they are really on the same side and want the same thing. The complainant agreed to park in the designated places from now on and to talk with the officer about any issues. The officer agreed that he and the complainant will meet with the workers and talk with them about the rules and their concerns. They agreed to work together on the problems.

#### **E. Investigations**

OPC's investigative unit continued its critical work collecting the facts about and analyzing the allegations contained in the police misconduct complaints received by the agency. By statute, OPC has the independence and authority needed to conduct its investigations. For example, while OPC is a District government agency, it is independent of MPD and OPS and is not under the direct control of the Mayor, to whom the two chiefs of police report. The agency has its own non-police staff to investigate complaints, and the law vests OPC with subpoena power to gather necessary evidence and requires that the relevant police department cooperate with its investigations. A considerable amount of work goes into investigating each complaint, even when a complaint is ultimately dismissed, and OPC's investigators are responsible for getting this work done.

OPC expanded and reorganized procedures for its investigative unit during fiscal year 2010. The most significant change was the hiring of several new line investigators and an investigative clerk. The unit also adopted more frequent internal reporting on the status of investigations, more frequent managerial review of investigations, and improved procedures for notifying police officers of interviews. These much-needed additions and changes helped the agency maintain both its required staffing numbers for the investigative unit and its momentum in closing complaints.

OPC conducts extensive and thorough investigations of all allegations made by complainants. OPC tracks allegations under six broad categories of misconduct: (1) harassment; (2) use of unnecessary or excessive force; (3) use of language or conduct that is insulting, demeaning, or humiliating; (4) discriminatory treatment; (5) retaliation against a person for filing a complaint with OPC; and (6) failure of an officer to wear or display required identification or to provide a name and badge number when requested to do so by a member of the public. While these six general categories provide a broad picture of the types of issues that arise between citizens and police officers, such interactions are factually varied, and the allegations can range from the very serious to the relatively minor with many distinct parts to them. In order to capture more detail about the nature and severity of the general allegations made by complainants, OPC also tracks 65 subcategories of allegations. For example, under the general category of unnecessary or excessive force, there are 21 subcategories that cover the myriad ways that officers use force, including striking an individual with the hand, forcefully pushing an individual to the ground, and directing a police dog to attack an individual. This enhanced classification system, implemented in 2008, allows OPC to do a better job tracking, analyzing, and reporting trends that occur in complaints. The additional detail also helps OPC conduct its investigations by focusing on and specifically identifying all relevant ways that allegations made by a complainant can be misconduct.

OPC received 582 complaints in fiscal year 2010 and provided information and assistance to the 1025 individuals who contacted OPC. Separately, the agency resolved 326 investigations, and produced investigative reports in 297, or 91.1%, of those matters. The remaining 29 were successfully mediated. Two of the 297 investigations required two reports each, as OPC formally dismissed a portion of the allegations and referred the remainder of the allegations to a complaint examiner.

OPC investigations can be complex due to the number of witnesses who must be interviewed, as well as the amount of data and other evidence that must be gathered and analyzed. The investigators conducted over 850 complaint-related interviews during the year, which included more than 460 police officer and 393 citizen interviews. A second investigator participated in over half of the interviews, consistent with OPC's policy.

### ***1. Access to Police Documents***

Agency investigators rely on police paperwork to inform almost every investigation undertaken. The paperwork provides officer narratives of events, information on who was at the scene of the incident, criminal charges brought against complainants and witnesses, and a wealth of other information. OPC requests these documents through an MPD liaison, and there are agreements in place that require MPD to provide the requested documents. As a result, OPC has not traditionally had to exercise its statutory subpoena power to obtain MPD-generated documents.

A review of OPC data regarding compliance with document requests raises some important concerns. Between October 1, 2009, and December 31, 2009, OPC requested 245 documents, but received from MPD only 117 of these documents, or just under 48%. For an

additional 37 (15%), the response from MPD indicated that the requested document could not be located. For the remaining 91 requests, or 37% of the total, MPD gave no response at all. In addition to the 37 “could not be located” responses described above, there were an additional 105 such responses during the rest of fiscal year 2010. While MPD is allowed under the agreements to report that the document could not be located, many of the “could not be located” responses pertain to documents that are required to be completed by MPD policies and orders. For example, despite an MPD General Order mandating the completion of a PD-163 (“Arrest/Prosecution Report-Adults”) in most arrests, 26 of the 142 “could not be located” responses involved requests for PD-163s.

OPC has raised these issues with MPD, and has begun providing MPD an updated list of all outstanding document requests. OPC also wrote to MPD requesting that the Department determine what barriers are preventing OPC from receiving completed police reports and related materials. OPC noted that direct access to reports and forms through the computerized access methods used by MPD would greatly reduce the time and expense MPD needs to fulfill OPC document requests, shorten the duration of OPC’s investigatory process, and bring the District into line with best practices in the field of independent police review. OPC will continue to track and report on any progress made in removing barriers to the agency’s access to police records.

## ***2. Dismissal Example***

The following is an example of the investigative work involved in a complaint that led to a dismissal.

The complainant, a 37-year-old Latina, alleged that three subject officers unlawfully arrested her for assaulting her boyfriend. The complainant also claimed that one of the subject officers yelled at her to “shut up” during the arrest.

According to the complainant, she and her boyfriend were at home with her four children. The boyfriend, who was intoxicated, began pulling her by her hair into their bedroom. When the complainant placed her hand on the doorframe to avoid being pulled, the boyfriend allegedly slammed the door on her hand several times. Subsequently, the complainant called 911.

Approximately 15 minutes later, three subject officers arrived at the complainant’s home. When the complainant attempted to explain to the subject officers what had happened, she claimed one of the officers yelled at her to “shut up.” The complainant showed the subject officers her hand, which, according to the complainant, was black and very swollen from the altercation with her boyfriend. She also tried to explain that the scratches on her boyfriend were a result of her trying to defend herself. The subject officer who had previously yelled at her then said, “Either we take you, or we take you both and we take the kids.” The complainant was then placed in handcuffs. Soon after, the paramedics arrived and the handcuffs were removed so that the complainant’s hand could be examined. When the paramedics asked the woman if she wanted to go to the hospital, she declined. After the paramedics left, the subject officers replaced the handcuffs on the complainant and arrested her for simple assault. The woman later sought medical treatment at a local hospital for the

injuries to her hand, as well as for abdominal pain allegedly resulting from her altercation with her boyfriend.

During its investigation, OPC interviewed the complainant and the three subject officers. OPC also reviewed the arrest and incident reports completed by the police, the 911 call, the police radio chronology, and the complainant's medical treatment records. Although OPC attempted to interview the woman's children, who witnessed the incident, the complainant informed OPC that she did not want her children to be interviewed. The boyfriend refused to cooperate with OPC's investigation.

After reviewing the evidence gathered during the investigation, OPC concluded that the complainant's allegations lacked merit and should be dismissed. According to the subject officers, when they arrived at the scene, the complainant's boyfriend told them that the woman became argumentative and physically aggressive with him after he had returned home from a party. To prevent being further assaulted, the man went into the bedroom and tried to close the bedroom door. As the boyfriend closed the door, the complainant placed her hand on the doorframe, causing the door to close on her hand. The subject officers interviewed the complainant's 14-year-old son, who corroborated the boyfriend's account. The officers also examined the complainant's hand, which was red and swollen, but did not have any other visible injuries. After conducting their investigation, the subject officers determined that the woman was the aggressor and arrested her for assault.

The arrest and incident reports completed by the officers were consistent with their versions of what occurred. Furthermore, the complainant's medical records revealed that her hand was bruised but not fractured, further supporting the officers' belief that the boyfriend had unintentionally closed the door on the complainant's hand instead of slamming it in the door several times. Finally, the medical records indicated that the woman's abdominal pain came from a pre-existing condition.

Although the complainant alleged that one of the subject officers told her to "shut up," there was no evidence supporting the complainant's version other than her assertion. Although the complainant's children witnessed the event and could have provided information to support her allegation, the woman refused to allow OPC to interview them. All three subject officers stated that no one yelled or was aggressive towards the complainant. OPC credited the subject officers' versions of the incident and determined that they had not engaged in any misconduct during their interactions with the complainant.

## F. Statistics

OPC collects data in a variety of categories in order to track agency performance and monitor trends in police misconduct. This allows OPC to describe its work, the nature and location of the complaints that the office received, and characteristics of the complainants and subject officers. As in prior reports, this year's report has less text in and around the charts and tables to streamline and simplify the presentation of the statistics. Nevertheless, some of the information contained below regarding fiscal year 2010 that warrants highlighting includes the following:

- Although the number of individuals who contacted OPC declined by 5.7% from the prior year (1,087 to 1,025), the number of complaints received increased by 5.8% (550 to 582).
- OPC increased the number of complaints it closed in the fiscal year by 6.6% but ended the year with 18.1% more open complaints.
- The agency mediated 37 complaints, and of these, participants successfully reached resolutions in 29 complaints, or 78.4% of the total complaints mediated.
- Tables 9 through 9f show that, as in the prior fiscal year, allegations of harassment are proportionally much higher than the other five categories. Harassment comprised 38.2% of the total number of times a category was alleged in a complaint (394 of 1032), and 50.2% of the total number of specific allegations (932 of 1855). Conversely, the number of complaints where discrimination was alleged decreased from 105 to 48, with the percent of complaints with discrimination complaints falling from 8.3% to 4.7%.
- The age and years of service data continue to show that younger and less experienced officers make up a larger proportion of subject officers than their representation in the entire police force, while older and more experienced officers make up a smaller proportion.
- The number of officers who were the subject of multiple complaints decreased from 160 to 111, although the number of officers who received five or more complaints increased from three to seven, and included one officer who received a record 10 complaints.
- Ward 1 experienced the largest increase in the number of complaints stemming from incidents within its boundaries, rising to 88 from 49, a surge of 79.6%. Ward 8 experienced the largest reduction, from 97 to 64, a decrease of 34.0%.

In this section, it should be noted that data regarding complainant and subject officer characteristics generally reflect the information for each complaint, not eliminating duplicates of complainants who filed multiple complaints or officers who were the subject of multiple complaints. In some tables, OPC was able to include information regarding the number of "unique complainants," meaning that OPC eliminated duplicate complainants. In some

tables, OPC was able to include information regarding the number of “unique officers,” meaning that OPC eliminated duplicate officers.

The data used were compiled at the close of the fiscal year. As such, not all complainants had been interviewed nor all officers identified by that time, resulting in a number of entries as “unreported” or “unidentified.” Further, where a formal complaint was received that was outside of OPC’s jurisdiction, or where the complainant either withdrew or failed to pursue the complaint, additional “unreported” or “unidentified” entries occur. In Tables 9, 11, and 15 through 20, the numbers reflect only the percentages of reported complainants and identified officers. Demographic descriptors of officers are based on official MPD roster data or corrected information from the officer, not on how a complainant describes the officer.<sup>18</sup>

For reference purposes, a map indicating the location of the seven police districts used by MPD is included in Appendix B and a map indicating the location of the District of Columbia’s eight wards is included in Appendix C. To help give a better sense of where complaint incidents occurred around the city, both maps also indicate these locations.



1. *Contacts and Complaints Received*

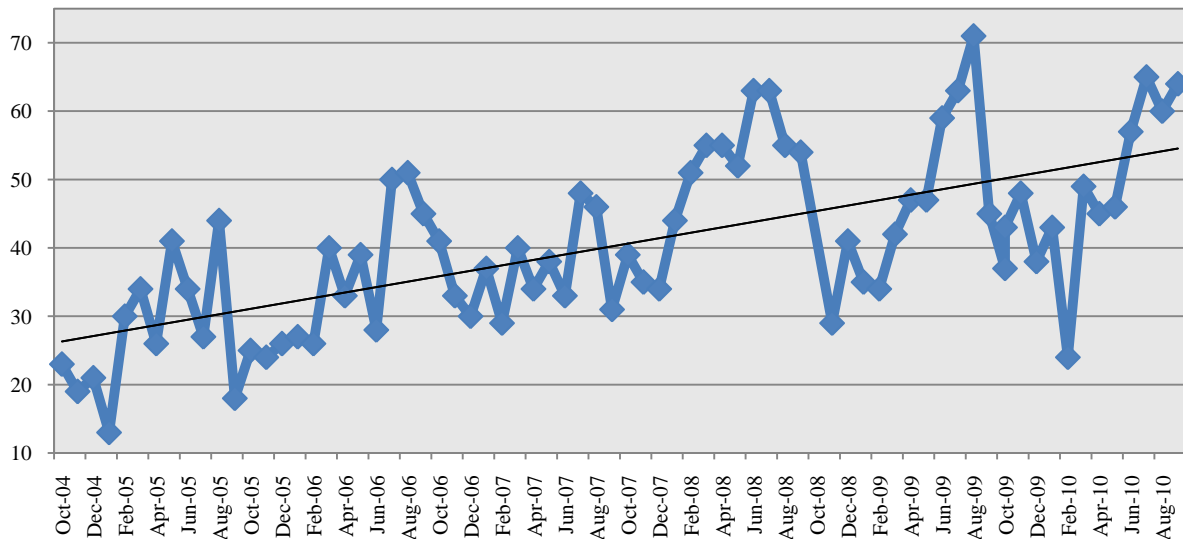
**Table 4: Contacts and Complaints Received**

	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>	<b>FY10</b>
<b>Total Contacts</b>	889	1,050	1,316	1,087	1,025
<b>Closed – Outside Agency Jurisdiction, Etc.</b>	232	352	366	251	143
<b>Closed – No Complaint Submitted</b>	243	258	350	286	300
<b>Total Complaints Received</b>	<b>414</b>	<b>440</b>	<b>600</b>	<b>550</b>	<b>582</b>

**Table 5: Complaints Received per Month**

	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>	<b>FY10</b>
<b>October</b>	25	41	39	37	43
<b>November</b>	24	33	35	29	48
<b>December</b>	26	30	34	41	38
<b>January</b>	27	37	44	35	43
<b>February</b>	26	29	51	34	24
<b>March</b>	40	40	55	42	49
<b>April</b>	33	34	55	47	45
<b>May</b>	39	38	52	47	46
<b>June</b>	28	33	63	59	57
<b>July</b>	50	48	63	63	65
<b>August</b>	51	46	55	71	60
<b>September</b>	45	31	54	45	64

**Chart 5: Complaints Received per Month**



2. *OPC Workload and Complaint Processing*<sup>19</sup>

**Table 6: OPC Workload**

	<b>FY08</b>	<b>FY09</b>	<b>FY10</b>
Total Complaints Already Open at Start of Fiscal Year	187	220	270
Total New Complaints Received During Fiscal Year	600	550	582
<b>Total Agency Workload for Fiscal Year</b>	<b>787</b>	<b>770</b>	<b>852</b>
Referred to MPD or Other Agency for Investigation	136	105	142
Withdrawn or Administratively Closed	63	61	65
Complaints Investigated and Resolved During Fiscal Year (Conviction, Adjudication, Dismissal, and Successful Mediation)	368	334	326
<b>Total Formal Complaints Closed During Fiscal Year</b>	<b>567</b>	<b>500</b>	<b>533</b>
<b>Total Complaints Remaining Open at End of Fiscal Year</b>	<b>220</b>	<b>270</b>	<b>319</b>
<b>Net Increase / Decrease in Number of Open Complaints</b>	<b>+33</b>	<b>+50</b>	<b>+49</b>

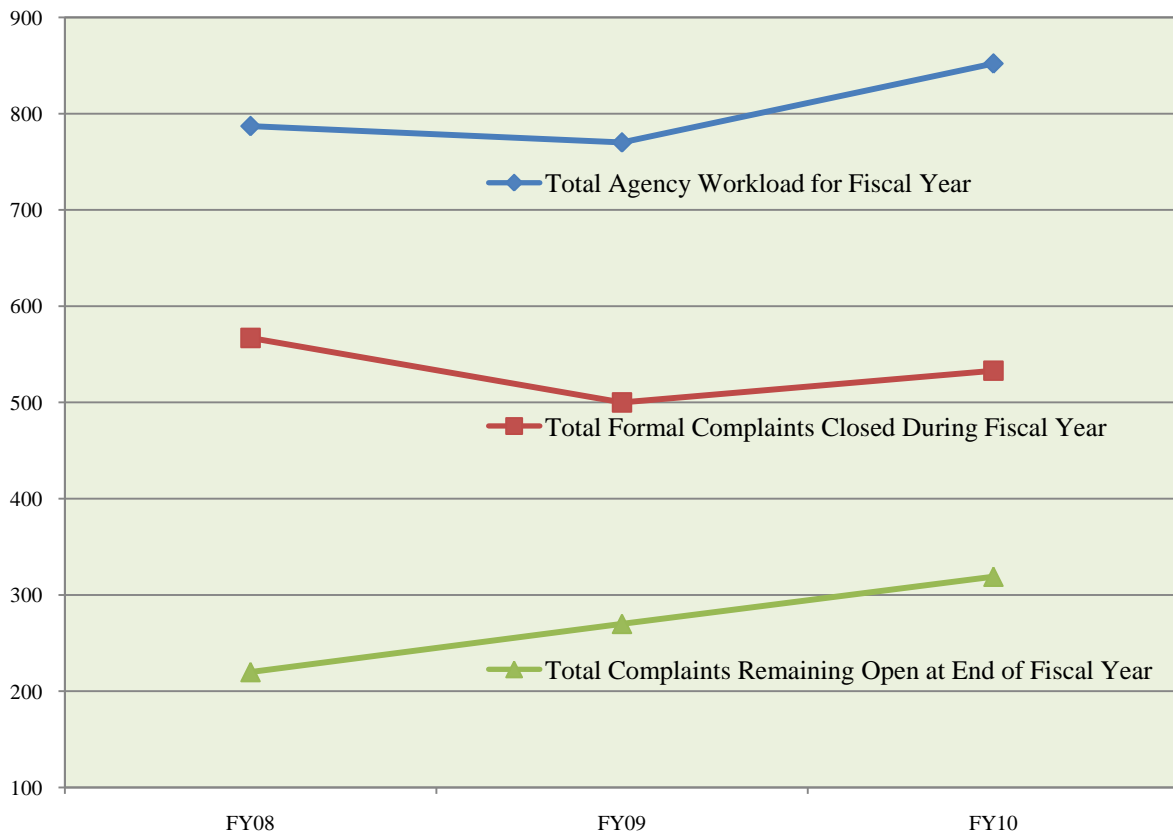
**Table 6a: Status of Pending Complaints at the End of Each Fiscal Year**

	<b>FY08</b>	<b>FY09</b>	<b>FY10</b>
<b>Assigned to Complaint Examiner</b>	1	3	4
<b>Referred for Mediation</b>	12	10	20
<b>Referred to U.S. Attorney's Office</b>	33	44	41
<b>Referred to PCB Member</b>	1	4	29
<b>Awaiting Subject Officer Objections</b>	1	2	1
<b>Under Investigation by OPC</b>	150	152	129
<b>Under Investigation / Report Drafted</b>	22	55	95
<b>Total Complaints Remaining Open at End of Fiscal Year</b>	<b>220</b>	<b>270</b>	<b>319</b>

**Table 6b: Disposition of Formal Complaints**

	<b>FY08</b>	<b>FY09</b>	<b>FY10</b>
<b>Criminal Convictions</b>	0	0	0
<b>Adjudicated</b>	11	5	10
<b>Dismissed</b>	327	296	287
<b>Successfully Mediated Complaints</b>	30	33	29
<b>Withdrawn by Complainant</b>	34	29	33
<b>Referred to MPD</b>	128 <sup>20</sup>	99	123
<b>Referred to Other Police Agencies</b>	8	6	19
<b>Administrative Closures</b>	29	32	32
<b>Total Formal Complaints Closed During Fiscal Year</b>	<b>567</b>	<b>500</b>	<b>533</b>

**Chart 6: OPC Workload**

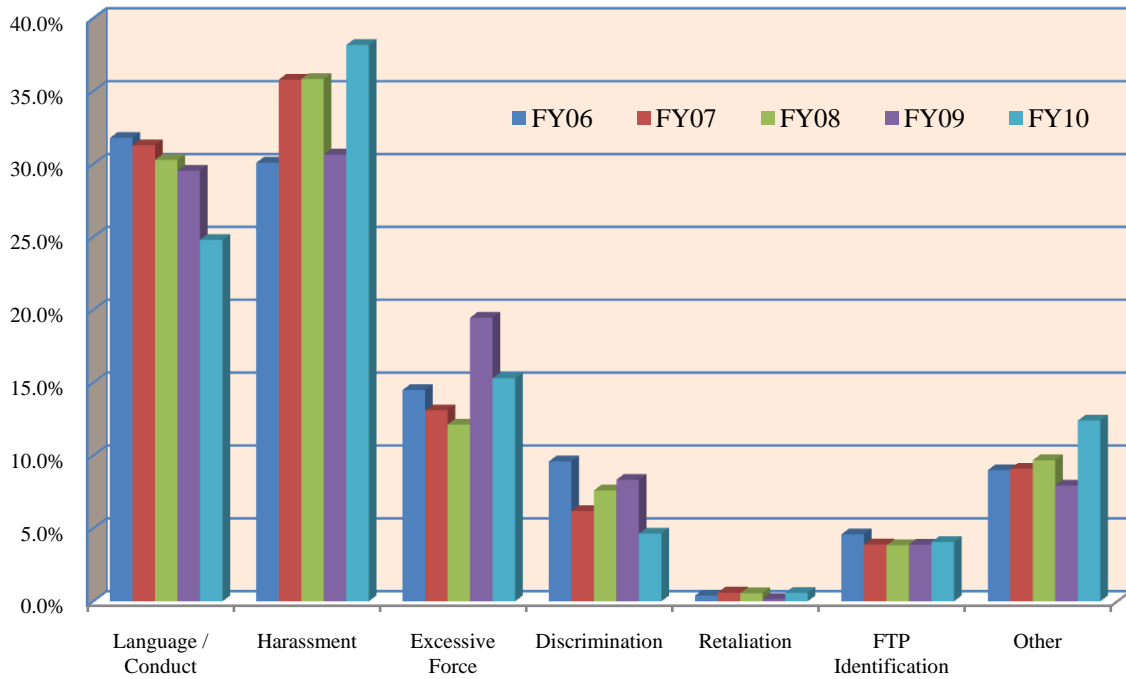


### 3. Characteristics of Allegations

**Table 7: General Categories of Allegations in Complaints**

General Allegation Category	FY06		FY07		FY08		FY09		FY10	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
Language and Conduct	234	31.8%	241	31.3%	322	30.3%	372	29.5%	256	24.8%
Harassment	222	30.1%	276	35.8%	381	35.8%	386 <sup>21</sup>	30.7%	394	38.2%
Excessive Force	107	14.5%	101	13.1%	129	12.1%	245	19.5%	158	15.3%
Discrimination	71	9.6%	48	6.2%	81	7.6%	105	8.3%	48	4.7%
Retaliation	3	0.4%	5	0.6%	6	0.6%	2	0.2%	6	0.6%
Failure to Provide Identification	34	4.6%	30	3.9%	41	3.9%	49	3.9%	42	4.1%
Other	66	9.0%	70	9.1%	103	9.7%	100	7.9%	128	12.4%
<b>Total Number of Categories Alleged in All Complaints</b>	<b>737</b>		<b>771</b>		<b>1063</b>		<b>1259</b>		<b>1032</b>	

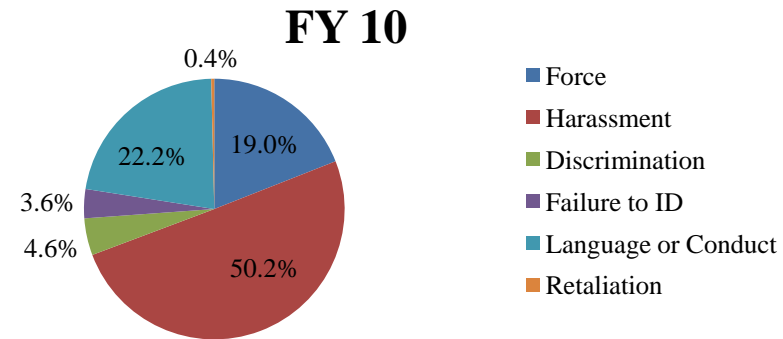
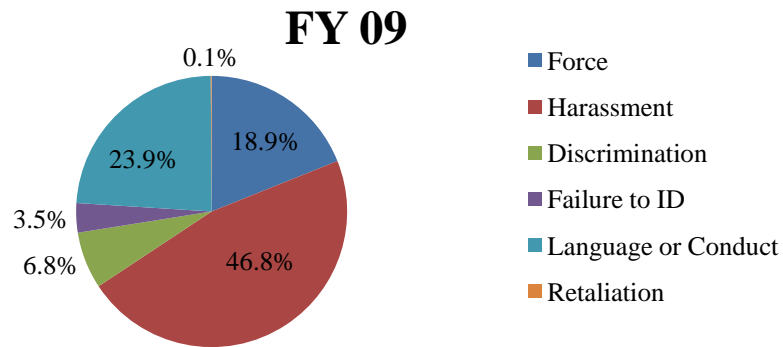
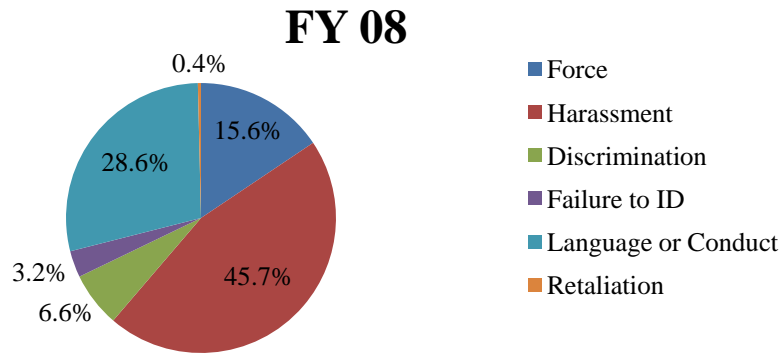
**Chart 7: Allegations in Complaints**



**Table 7a: Specific Allegations in Complaints**

Specific Allegation Category	FY 08		FY 09		FY 10	
	Count	Percentage	Count	Percentage	Count	Percentage
Force	294	15.6%	351	18.9%	353	19.0%
Harassment	861	45.7%	867	46.8%	932	50.2%
Discrimination	124	6.6%	126	6.8%	85	4.6%
Failure to ID	60	3.2%	65	3.5%	67	3.6%
Language or Conduct	539	28.6%	443	23.9%	411	22.2%
Retaliation	7	0.4%	2	0.1%	7	0.4%
<b>Total of Specific Allegations Within OPC Jurisdiction</b>	<b>1885</b>		<b>1854</b>		<b>1855</b>	
<b>Total Complaints</b>	<b>600</b>		<b>550</b>		<b>582</b>	

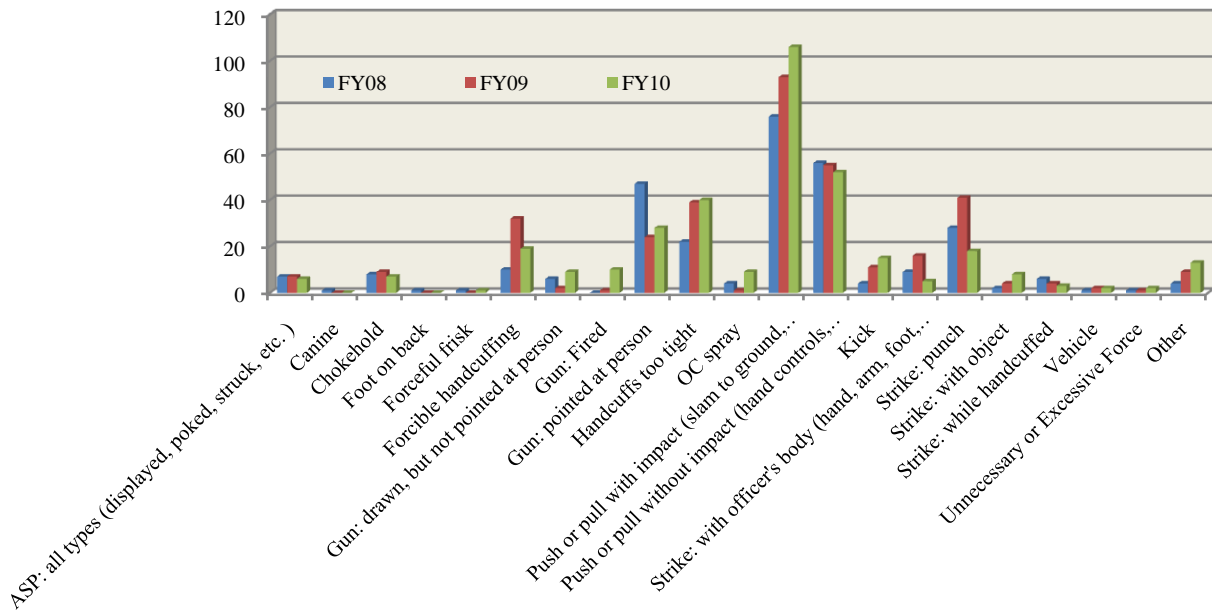
**Chart 7a: Specific Allegations in Complaints**



**Table 7b: Specific Allegations of Force**

Force Subcategories	FY08		FY09		FY10	
ASP: all types (displayed, poked, struck, etc.)	7	2.4%	7	2.0%	6	1.7%
Canine	1	0.3%	0	0.0%	0	0.0%
Chokehold	8	2.7%	9	2.6%	7	2.0%
Foot on back	1	0.3%	0	0.0%	0	0.0%
Forceful frisk	1	0.3%	0	0.0%	1	0.3%
Forcible handcuffing	10	3.4%	32	9.1%	19	5.4%
Gun: drawn, but not pointed at person	6	2.0%	2	0.6%	9	2.5%
Gun: Fired	0	0.0%	1	0.3%	10	2.8%
Gun: pointed at person	47	16.0%	24	6.8%	28	7.9%
Handcuffs too tight	22	7.5%	39	11.1%	40	11.3%
OC spray	4	1.4%	1	0.3%	9	2.5%
Push or pull with impact (slam to ground, into car, etc.)	76	25.9%	93	26.5%	106	30.0%
Push or pull without impact (hand controls, drag, shove, throw, etc. without hitting anything)	56	19.0%	55	15.7%	52	14.7%
Kick	4	1.4%	11	3.1%	15	4.2%
Strike: with officer's body (hand, arm, foot, leg, head; except punch or kick )	9	3.1%	16	4.6%	5	1.4%
Strike: punch	28	9.5%	41	11.7%	18	5.1%
Strike: with object	2	0.7%	4	1.1%	8	2.3%
Strike: while handcuffed	6	2.0%	4	1.1%	3	0.8%
Vehicle	1	0.3%	2	0.6%	2	0.6%
Unnecessary or Excessive Force	1	0.3%	1	0.3%	2	0.6%
Other	4	1.4%	9	2.6%	13	3.7%
<b>Total Force Allegations</b>	<b>294</b>		<b>351</b>		<b>353</b>	

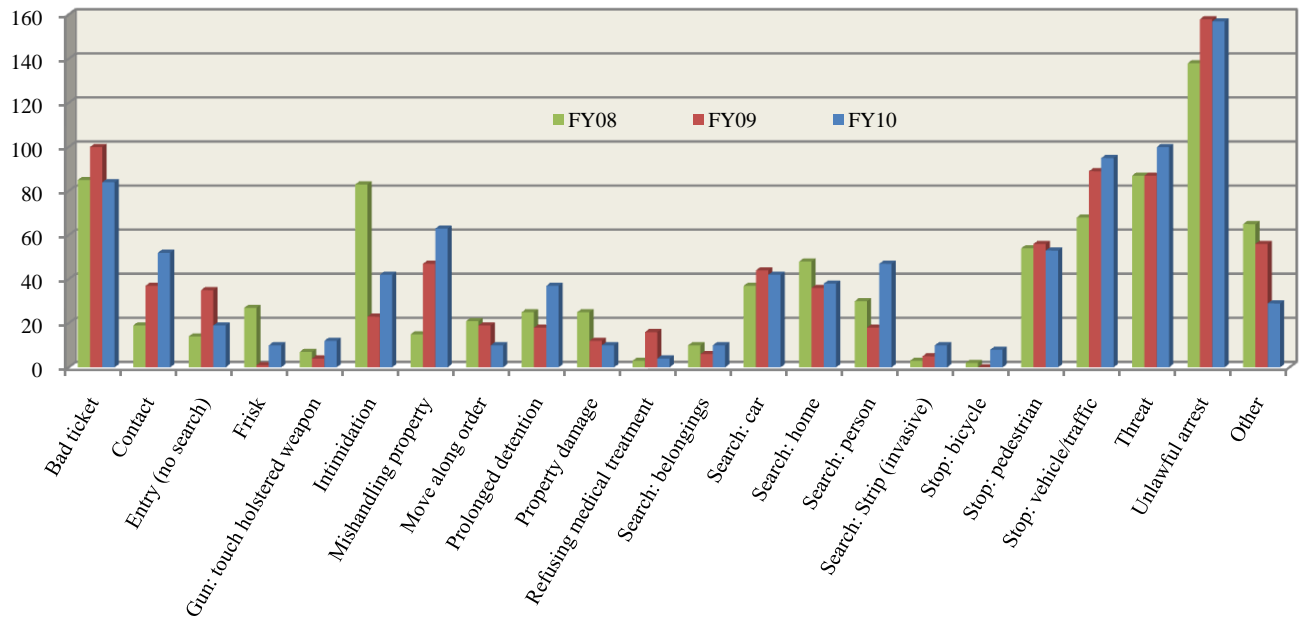
**Chart 7b: Specific Allegations of Force**



**Table 7c: Specific Allegations of Harassment**

Harassment Subcategories	FY08		FY09		FY10	
Bad ticket	85	9.9%	100	11.5%	84	9.0%
Contact	19	2.2%	37	4.3%	52	5.6%
Entry (no search)	14	1.6%	35	4.0%	19	2.0%
Frisk	27	3.1%	1	0.1%	10	1.1%
Gun: touch holstered weapon	7	0.8%	4	0.5%	12	1.3%
Intimidation	83	9.6%	23	2.7%	42	4.5%
Mishandling property	15	1.7%	47	5.4%	63	6.8%
Move along order	21	2.4%	19	2.2%	10	1.1%
Prolonged detention	25	2.9%	18	2.1%	37	4.0%
Property damage	25	2.9%	12	1.4%	10	1.1%
Refusing medical treatment	3	0.3%	16	1.8%	4	0.4%
Search: belongings	10	1.2%	6	0.7%	10	1.1%
Search: car	37	4.3%	44	5.1%	42	4.5%
Search: home	48	5.6%	36	4.2%	38	4.1%
Search: person	30	3.5%	18	2.1%	47	5.0%
Search: Strip (invasive)	3	0.3%	5	0.6%	10	1.1%
Stop: bicycle	2	0.2%	0	0.0%	8	0.9%
Stop: pedestrian	54	6.3%	56	6.5%	53	5.7%
Stop: vehicle/traffic	68	7.9%	89	10.3%	95	10.2%
Threat	87	10.1%	87	10.0%	100	10.7%
Unlawful arrest	138	16.0%	158	18.2%	157	16.8%
Other	65	7.5%	56	6.5%	29	3.1%
<b>Total Harassment Allegations</b>	<b>861</b>		<b>867</b>		<b>932</b>	

**Chart 7c: Specific Allegations of Harassment**

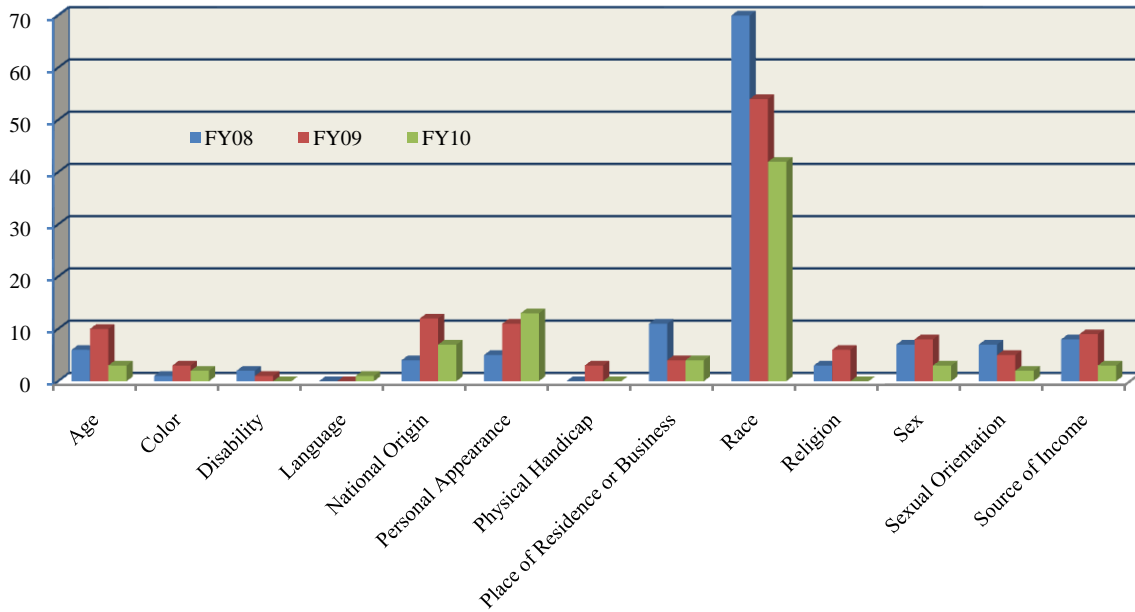


**Table 7d: Specific Allegations of Discrimination**

Discrimination Subcategories	FY08		FY09		FY10	
	Count	Percentage	Count	Percentage	Count	Percentage
Age	6	4.8%	10	7.9%	3	3.8%
Color	1	0.8%	3	2.4%	2	2.5%
Disability	2	1.6%	1	0.8%	0	0.0%
Language	0	0.0%	0	0.0%	1	1.3%
National Origin	4	3.2%	12	9.5%	7	8.8%
Personal Appearance	5	4.0%	11	8.7%	13	16.3%
Physical Handicap	0	0.0%	3	2.4%	0	0.0%
Place of Residence or Business	11	8.9%	4	3.2%	4	5.0%
Race	70	56.5%	54	42.9%	42	52.5%
Religion	3	2.4%	6	4.8%	0	0.0%
Sex	7	5.6%	8	6.3%	3	3.8%
Sexual Orientation	7	5.6%	5	4.0%	2	2.5%
Source of Income	8	6.5%	9	7.1%	3	3.8%
Other	0	0.0%	0	0.0%	5	6.3%
<b>Total Discrimination Allegations</b>	<b>124</b>		<b>126</b>		<b>80</b>	



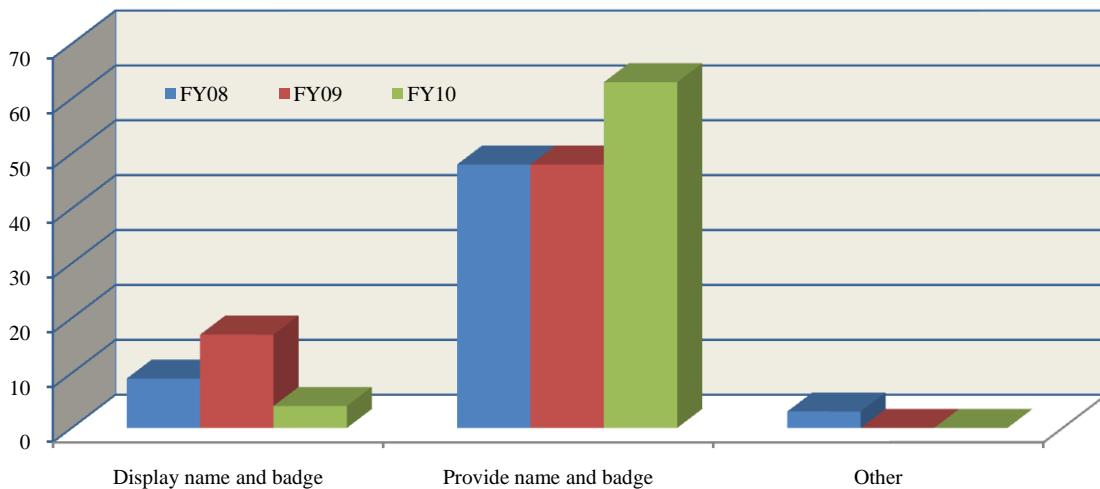
**Chart 7d: Specific Allegations of Discrimination**



**Table 7e: Specific Allegations of Failure to Identify**

Failure to Identify Subcategories	FY08		FY09		FY10	
	Count	Percentage	Count	Percentage	Count	Percentage
Display name and badge	9	15.0%	17	26.2%	17	26.2%
Provide name and badge	48	80.0%	48	73.8%	48	73.8%
Other	3	5.0%	0	0.0%	0	0.0%
<b>Total Allegations</b>	<b>60</b>		<b>65</b>		<b>67</b>	

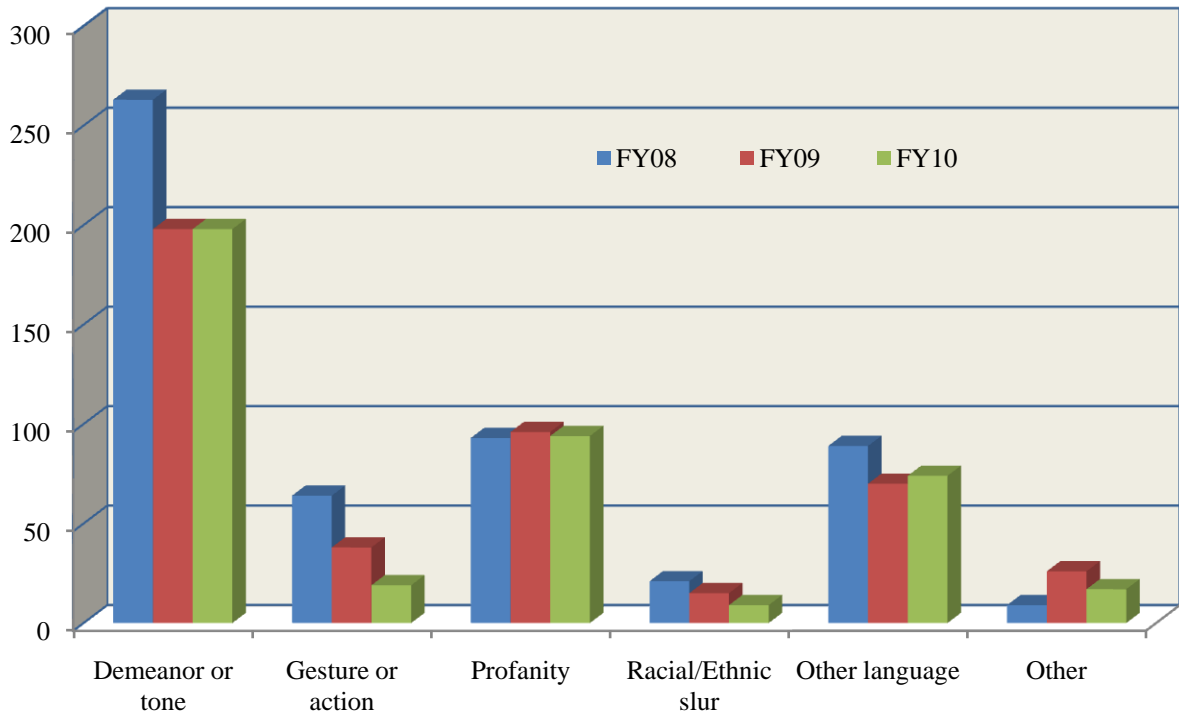
**Chart 7e: Specific Allegations of Failure to Identify**



**Table 7f: Specific Allegations of Language and Conduct**

Language and Conduct Subcategories	FY08		FY09		FY10	
	Count	Percentage	Count	Percentage	Count	Percentage
Demeanor or tone	263	48.8%	198	44.7%	198	48.2%
Gesture or action	64	11.9%	38	8.6%	19	4.6%
Profanity	93	17.3%	96	21.7%	94	22.9%
Racial/Ethnic slur	21	3.9%	15	3.4%	9	2.2%
Other language	89	16.5%	70	15.8%	74	18.0%
Other	9	1.7%	26	5.9%	17	4.1%
<b>Total Language and Conduct Allegations</b>	<b>539</b>		<b>443</b>		<b>411</b>	

**Chart 7f: Specific Allegations of Language and Conduct**



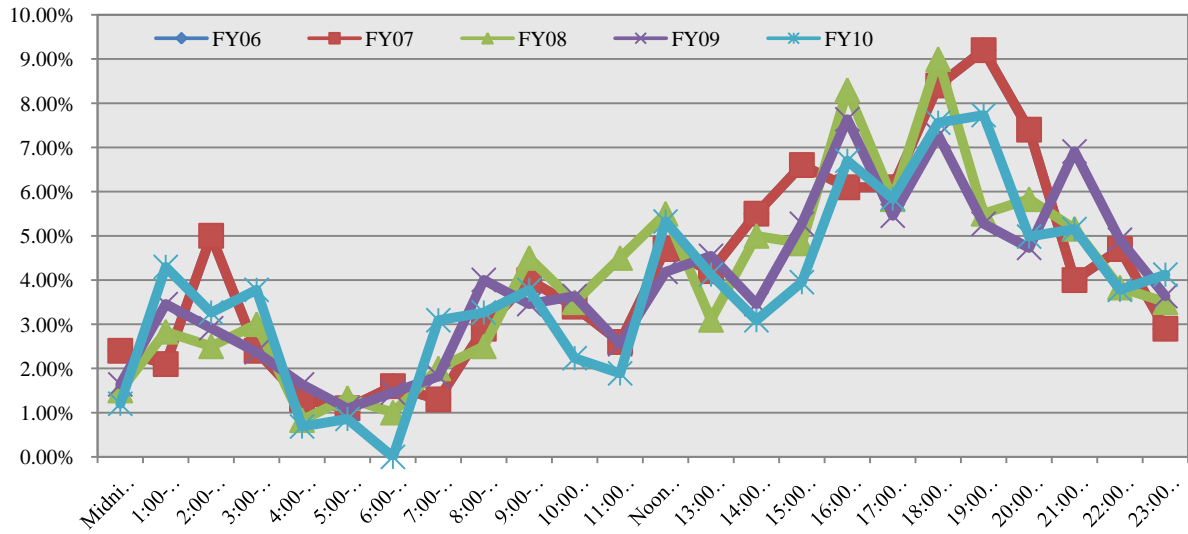
**Table 7g: Specific Allegations of Retaliation**

FY08	FY09	FY10
7	2	7

**Table 8: Time of Incidents Leading to Complaints**

	FY06		FY07		FY08		FY09		FY10	
<b>Midnight-00:59</b>	9	2.4%	13	3.1%	9	1.5%	9	1.6%	7	1.20%
<b>1:00-1:59</b>	8	2.1%	13	3.1%	17	2.8%	19	3.4%	25	4.30%
<b>2:00-2:59</b>	19	5.0%	10	2.4%	15	2.5%	16	2.9%	19	3.26%
<b>3:00-3:59</b>	9	2.4%	8	1.9%	18	3.0%	13	2.3%	22	3.78%
<b>4:00-4:59</b>	5	1.3%	6	1.4%	5	0.8%	9	1.6%	4	0.69%
<b>5:00-5:59</b>	4	1.1%	5	1.2%	8	1.3%	6	1.1%	5	0.86%
<b>6:00-6:59</b>	6	1.6%	9	2.2%	6	1.0%	8	1.4%	0	0.00%
<b>7:00-7:59</b>	5	1.3%	8	1.9%	12	2.0%	10	1.8%	18	3.09%
<b>8:00-8:59</b>	11	2.9%	10	2.4%	15	2.5%	22	4.0%	19	3.26%
<b>9:00-9:59</b>	15	4.0%	17	4.1%	27	4.5%	19	3.4%	22	3.78%
<b>10:00-10:59</b>	13	3.4%	13	3.1%	21	3.5%	20	3.6%	13	2.23%
<b>11:00-11:59</b>	10	2.6%	16	3.8%	27	4.5%	14	2.5%	11	1.89%
<b>Noon-12:59</b>	18	4.7%	16	3.8%	33	5.5%	23	4.2%	31	5.33%
<b>13:00-13:59</b>	16	4.2%	20	4.8%	19	3.1%	25	4.5%	24	4.12%
<b>14:00-14:59</b>	21	5.5%	21	5.0%	30	5.0%	19	3.4%	18	3.09%
<b>15:00-15:59</b>	25	6.6%	23	5.5%	29	4.8%	29	5.3%	23	3.95%
<b>16:00-16:59</b>	23	6.1%	25	6.0%	50	8.3%	42	7.6%	39	6.70%
<b>17:00-17:59</b>	23	6.1%	27	6.5%	35	5.8%	30	5.4%	34	5.84%
<b>18:00-18:59</b>	32	8.4%	32	7.7%	54	9.0%	40	7.3%	44	7.56%
<b>19:00-19:59</b>	35	9.2%	25	6.0%	33	5.5%	29	5.3%	45	7.73%
<b>20:00-20:59</b>	28	7.4%	34	8.1%	35	5.8%	26	4.7%	29	4.98%
<b>21:00-21:59</b>	15	4.0%	24	5.7%	31	5.1%	38	6.9%	30	5.15%
<b>22:00-22:59</b>	18	4.7%	22	5.3%	23	3.8%	27	4.9%	22	3.78%
<b>23:00-23:59</b>	11	2.9%	21	5.0%	21	3.5%	20	3.6%	24	4.12%
<b>Unknown</b>	35	8.4%	22	5.0%	27	4.5%	37	6.7%	54	9.28%
<b>Total</b>	<b>414</b>		<b>440</b>		<b>600</b>		<b>550</b>		<b>582</b>	

**Chart 8: Time of Incidents Leading to Complaints (as a Percentage)**

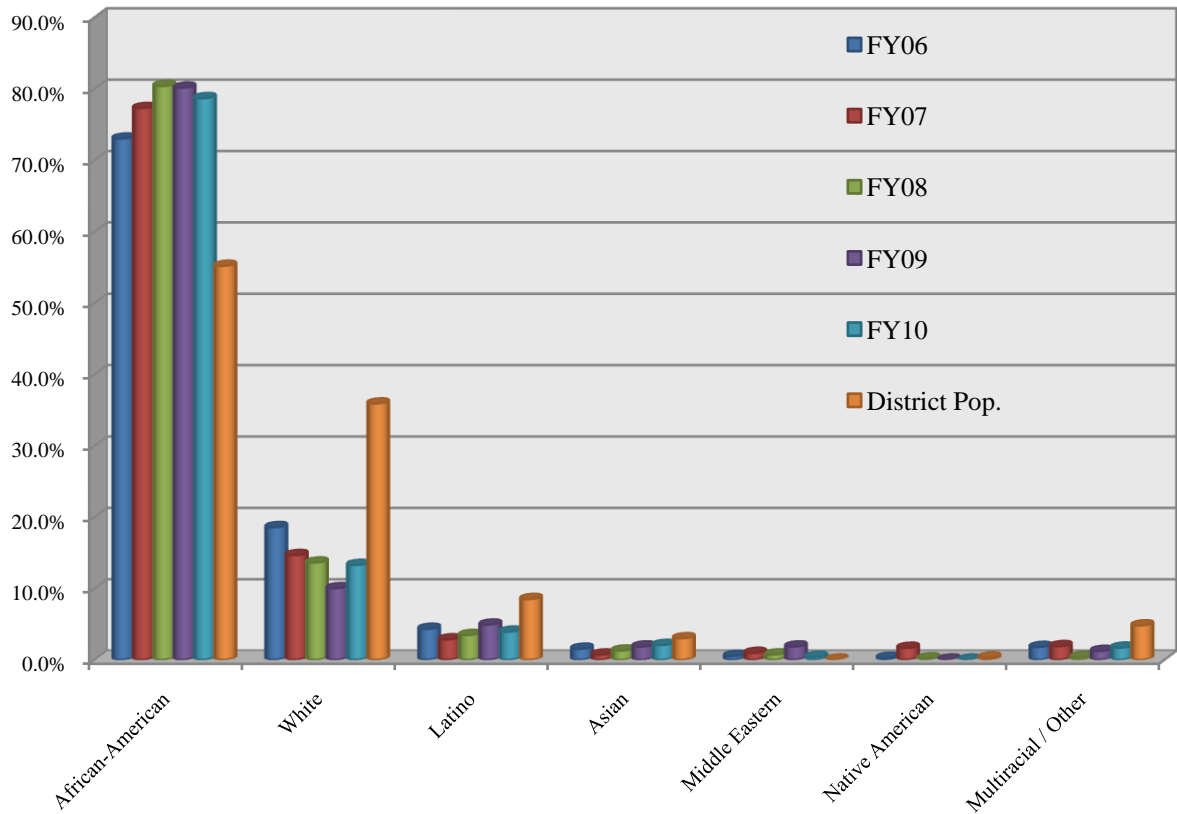


#### 4. Complainant Characteristics<sup>22</sup>

**Table 9: Complainant Race or National Origin**

	FY06		FY07		FY08		FY09		FY10		District Pop.
<b>African-American</b>	287	73.0%	327	77.3%	443	80.4%	392	80.2%	421	78.7%	54.0%
<b>White</b>	73	18.6%	62	14.7%	75	13.6%	49	10.0%	71	13.3%	40.6%
<b>Latino</b>	17	4.3%	12	2.8%	19	3.4%	24	4.9%	21	3.9%	8.8%
<b>Asian</b>	6	1.5%	3	0.7%	7	1.3%	9	1.8%	11	2.1%	3.2%
<b>Middle Eastern</b>	2	0.5%	4	0.9%	4	0.7%	9	1.8%	2	0.4%	N/A
<b>Native American</b>	1	0.3%	7	1.7%	1	0.2%	0	0.0%	0	0.0%	0.4%
<b>Multiracial / Other</b>	7	1.8%	8	1.9%	2	0.4%	6	1.2%	9	1.7%	1.7%
<b>Unreported</b>	21		17		49		60		47		
<b>Total</b>	<b>414</b>		<b>440</b>		<b>600</b>		<b>550</b>		<b>582</b>		

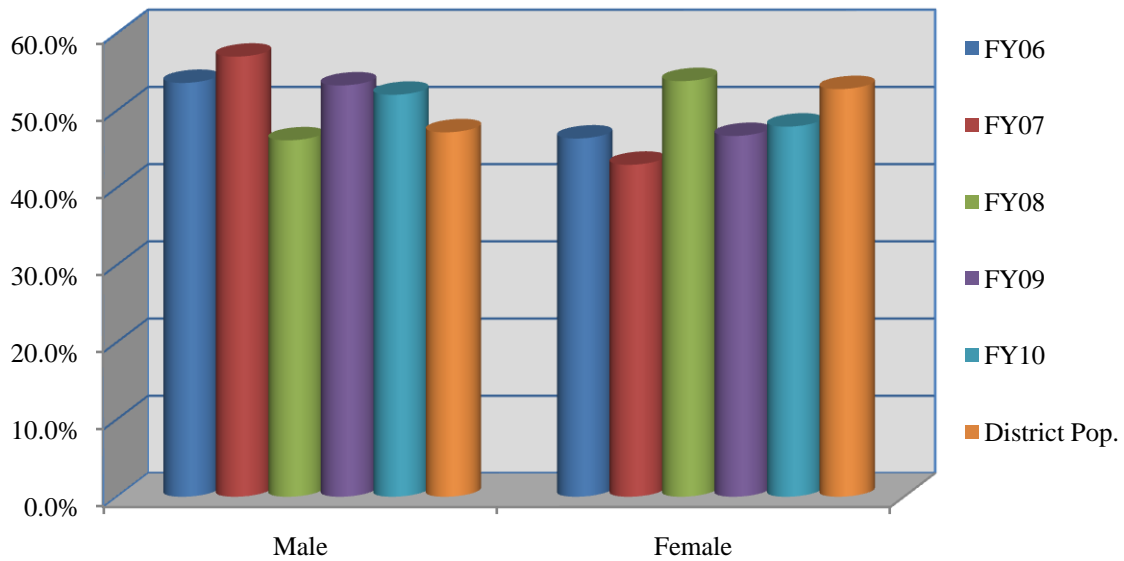
**Chart 9: Complainant Race or National Origin (as a Percentage)**



**Table 10: Complainant Gender**

	FY06		FY07		FY08		FY09		FY10		District Pop.
<b>Male</b>	222	53.6%	251	57.0%	277	46.2%	293	53.3%	303	52.1%	47.2%
<b>Female</b>	192	46.4%	189	43.0%	323	53.8%	257	46.7%	279	47.9%	52.8%
<b>Total</b>	414		440		600		550		582		

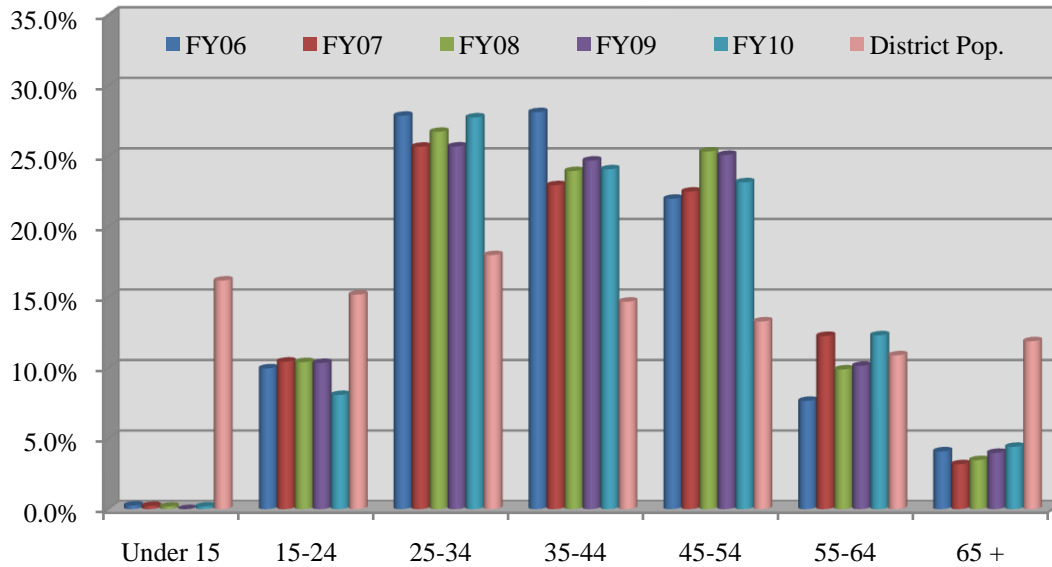
**Chart 10: Complainant Gender (as a Percentage)**



**Table 11: Complainant Age**

	FY06		FY07		FY08		FY09		FY10		District Pop.
<b>Under 15</b>	1	0.3%	1	0.2%	1	0.2%	--	0.0%	1	0.2%	17.1%
<b>15-24</b>	39	10.0%	46	10.5%	60	10.4%	52	10.4%	44	8.1%	15.7%
<b>25-34</b>	109	27.9%	113	25.7%	154	26.7%	129	25.7%	151	27.8%	17.8%
<b>35-44</b>	110	28.1%	101	23.0%	138	24.0%	124	24.7%	131	24.1%	15.3%
<b>45-54</b>	86	22.0%	99	22.5%	146	25.3%	126	25.1%	126	23.2%	13.3%
<b>55-64</b>	30	7.7%	54	12.3%	57	9.9%	51	10.2%	67	12.3%	8.7%
<b>65 +</b>	16	4.1%	14	3.2%	20	3.5%	20	4.0%	24	4.4%	12.3%
<b>Unreported</b>	23		12		24		48		38		
<b>Total</b>	414		440		600		550		582		

**Chart 11: Complainant Age (as a Percentage)**



**Table 12: Number of Complainants Who Filed Multiple Complaints**

	FY06	FY07	FY08	FY09	FY10
<b>2 Complaints</b>	12	14	17	12	21
<b>3 Complaints</b>	--	--	1	3	4
<b>4 Complaints</b>	--	--	--	1	1
<b>5 Complaints</b>	--	1	1	--	2
<b>6 Complaints</b>	--	--	--	1	--
<b>21 Complaints</b>	--	--	1	--	--

**Table 13: Complainant Race or National Origin with “Unique Complainant” Information**

	FY06	FY06 Unique Comp.	FY07	FY07 Unique Comp.	FY08	FY08 Unique Comp.	FY09	FY09 Unique Comp.	FY10	FY10 Unique Comp.
<b>African-American</b>	287	280	327	315	443	401	393	374	421	387
<b>White</b>	73	71	62	60	75	75	49	49	71	70
<b>Latino</b>	17	17	12	12	19	18	24	24	21	21
<b>Asian</b>	6	6	3	3	7	7	9	9	11	10
<b>Middle Eastern</b>	2	2	4	4	4	4	9	9	2	2
<b>Native American</b>	1	1	7	3	1	1	0	0	0	0
<b>Multiracial / Other</b>	7	5	8	8	2	2	6	4	9	8
<b>Unreported</b>	21	20	17	17	49	49	60	60	47	46
<b>Total</b>	<b>414</b>	<b>402</b>	<b>440</b>	<b>422</b>	<b>600</b>	<b>557</b>	<b>550</b>	<b>529</b>	<b>582</b>	<b>544</b>

**Table 14: Complainant Gender with “Unique Complainant” Information**

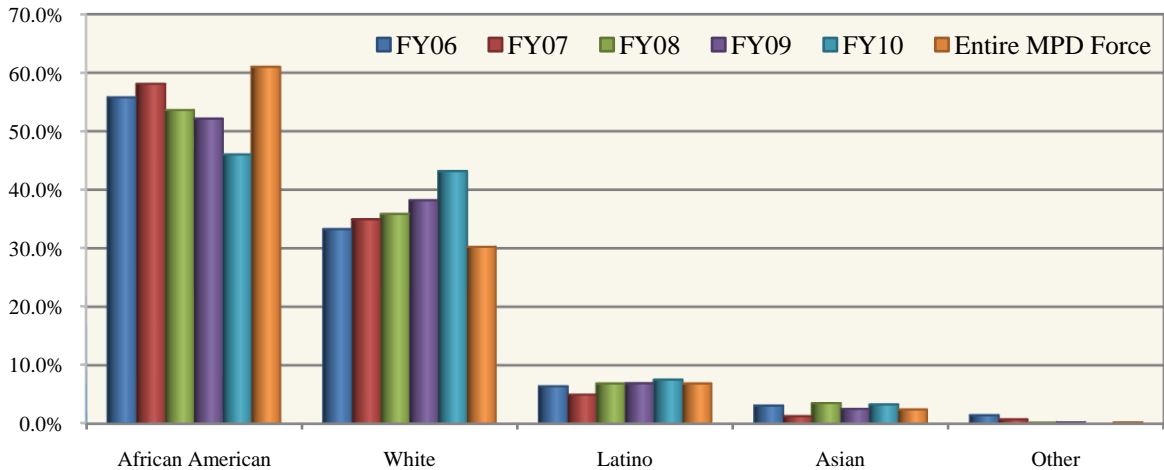
	<b>FY06</b>	<b>FY06 Unique Comp.</b>	<b>FY07</b>	<b>FY07 Unique Comp.</b>	<b>FY08</b>	<b>FY08 Unique Comp.</b>	<b>FY09</b>	<b>FY09 Unique Comp.</b>	<b>FY10</b>	<b>FY10 Unique Comp.</b>
<b>Male</b>	222	218	251	238	277	288	297	286	303	274
<b>Female</b>	192	184	189	184	323	269	263	248	279	270
<b>Total</b>	<b>414</b>	<b>402</b>	<b>440</b>	<b>422</b>	<b>600</b>	<b>557</b>	<b>560</b>	<b>534</b>	<b>582</b>	<b>544</b>

**5. Subject Officer Characteristics<sup>23</sup>**

**Table 15: Subject Officer Race or National Origin**

	<b>FY06</b>		<b>FY07</b>		<b>FY08</b>		<b>FY09</b>		<b>FY10</b>		<b>Entire MPD Force</b>
<b>African American</b>	270	55.8%	316	58.1%	350	53.6%	453	52.1%	293	46.0%	61.0%
<b>White</b>	161	33.3%	190	34.9%	234	35.8%	332	38.2%	275	43.2%	30.2%
<b>Latino</b>	31	6.4%	27	5.0%	45	6.9%	60	6.9%	48	7.5%	6.9%
<b>Asian</b>	15	3.1%	7	1.3%	23	3.5%	22	2.5%	21	3.3%	2.4%
<b>Other</b>	7	1.4%	4	0.7%	1	0.2%	2	0.2%	0	0.0%	0.2%
<b>Unidentified</b>	113		122		206		211		225		
<b>Total</b>	<b>597</b>		<b>666</b>		<b>859</b>		<b>1080</b>		<b>862</b>		

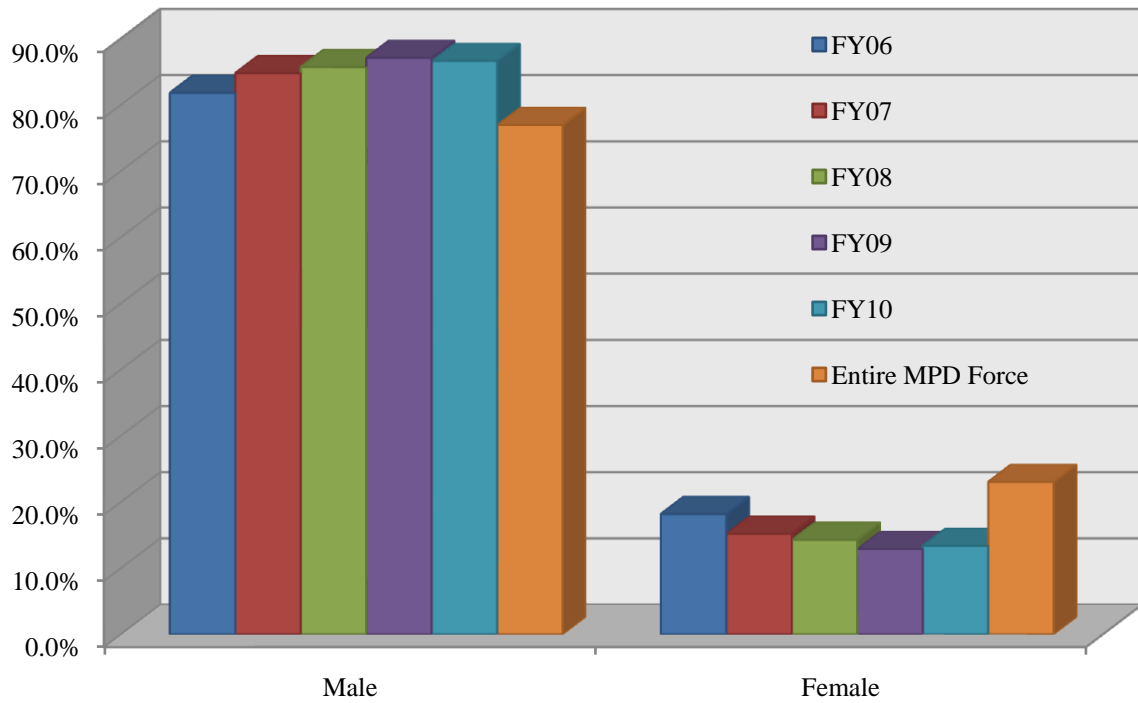
**Chart 15: Subject Officer Race or National Origin (as a Percentage)**



**Table 16: Subject Officer Gender**

	FY06		FY07		FY08		FY09		FY10		Entire MPD Force
Male	396	81.8%	463	84.8%	564	85.7%	770	87.1%	552	86.6%	77.0%
Female	88	18.2%	83	15.2%	94	14.3%	114	12.9%	85	13.4%	23.0%
Unidentified	113		120		201		196		225		
<b>Total</b>	<b>597</b>		<b>666</b>		<b>859</b>		<b>1080</b>		<b>862</b>		

**Chart 16: Subject Officer Gender (as a Percentage)**

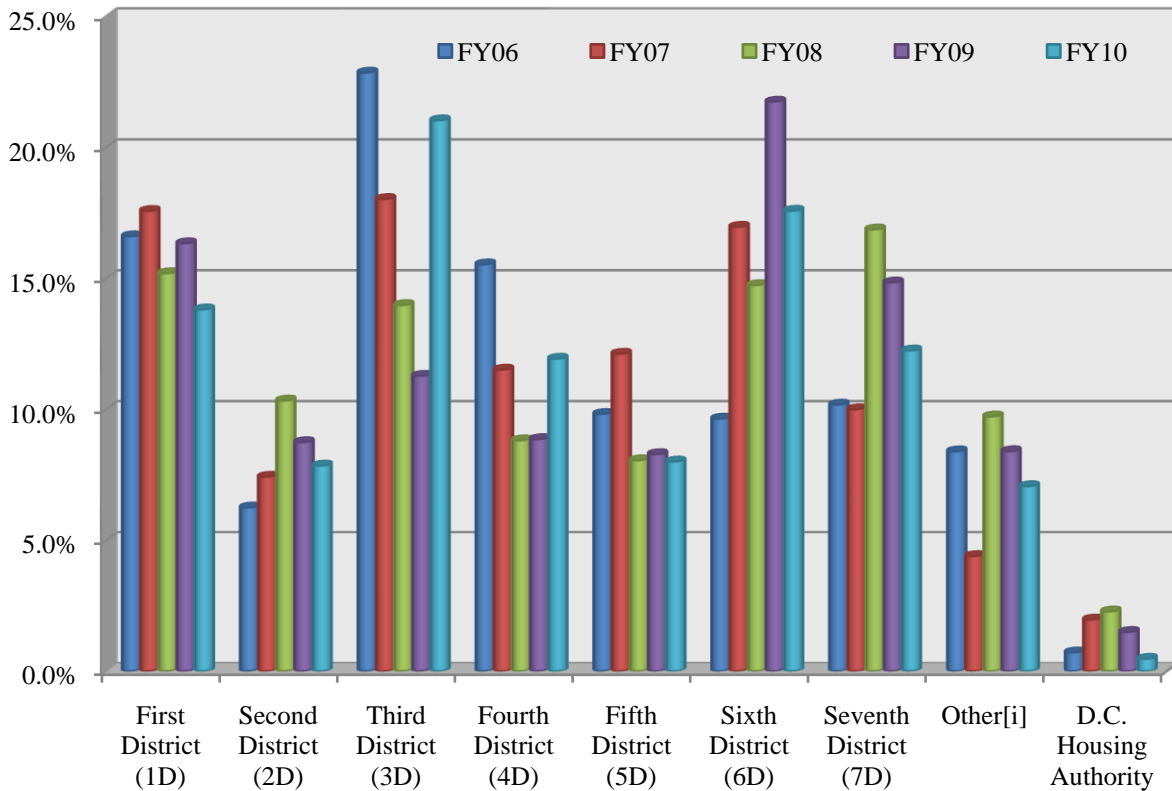




**Table 17: Subject Officer Assignment<sup>24</sup>**

	FY06		FY07		FY08		FY09		FY10	
<b>First District (1D)</b>	93	16.6%	116	17.6%	100	15.2%	142	16.3%	88	13.8%
<b>Second District (2D)</b>	35	6.3%	49	7.4%	68	10.3%	76	8.7%	50	7.8%
<b>Third District (3D)</b>	128	22.9%	119	18.0%	92	14.0%	98	11.3%	134	21.0%
<b>Fourth District (4D)</b>	87	15.5%	76	11.5%	58	8.8%	77	8.9%	76	11.9%
<b>Fifth District (5D)</b>	55	9.8%	80	12.1%	53	8.1%	72	8.3%	51	8.0%
<b>Sixth District (6D)</b>	54	9.6%	112	17.0%	97	14.7%	189	21.7%	112	17.6%
<b>Seventh District (7D)</b>	57	10.2%	66	10.0%	111	16.9%	129	14.8%	78	12.2%
<b>Other</b>	47	8.4%	29	4.4%	64	9.7%	73	8.4%	45	7.1%
<b>D.C. Housing Authority</b>	4	0.7%	13	2.0%	15	2.3%	13	1.5%	3	0.5%
<b>Unidentified</b>	37		6		201		211		225	
<b>Total</b>	<b>597</b>		<b>666</b>		<b>859</b>		<b>1080</b>		<b>862</b>	

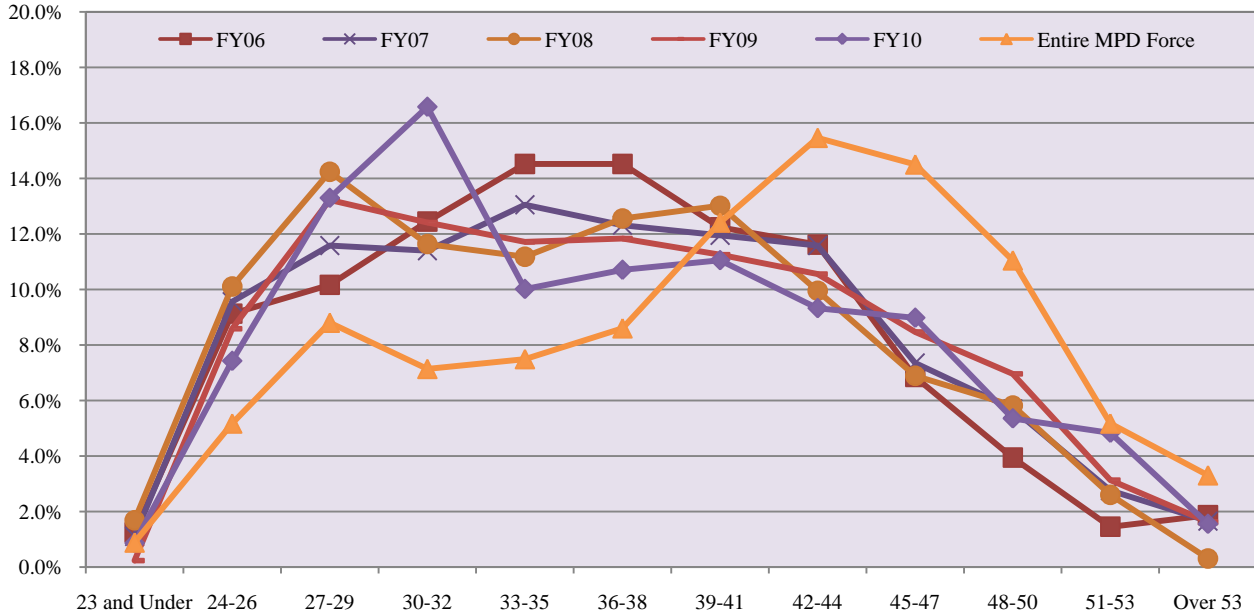
**Chart 17: Subject Officer Assignment (as a Percentage)**



**Table 18: Subject Officer Age**

	FY06		FY07		FY08		FY09		FY10		Entire MPD Force	
<b>23 and Under</b>	6	1.2%	6	1.1%	11	1.7%	2	0.2%	5	0.9%	35	0.9%
<b>24-26</b>	44	9.1%	52	9.6%	66	10.1%	74	8.6%	43	7.4%	205	5.2%
<b>27-29</b>	49	10.2%	63	11.6%	93	14.2%	114	13.2%	77	13.3%	349	8.8%
<b>30-32</b>	60	12.4%	62	11.4%	76	11.6%	107	12.4%	96	16.6%	283	7.1%
<b>33-35</b>	70	14.5%	71	13.1%	73	11.2%	101	11.7%	58	10.0%	297	7.5%
<b>36-38</b>	70	14.5%	67	12.3%	82	12.6%	102	11.8%	62	10.7%	341	8.6%
<b>39-41</b>	59	12.2%	65	11.9%	85	13.0%	97	11.3%	64	11.1%	492	12.4%
<b>42-44</b>	56	11.6%	63	11.6%	65	10.0%	91	10.6%	54	9.3%	613	15.5%
<b>45-47</b>	33	6.8%	40	7.4%	45	6.9%	73	8.5%	52	9.0%	575	14.5%
<b>48-50</b>	19	3.9%	31	5.7%	38	5.8%	60	7.0%	31	5.4%	438	11.0%
<b>51-53</b>	7	1.5%	15	2.8%	17	2.6%	27	3.1%	28	4.8%	205	5.2%
<b>Over 53</b>	9	1.9%	9	1.7%	2	0.3%	14	1.6%	9	1.6%	131	3.3%
<b>Unknown</b>	115		122		206		218		283			
<b>Total</b>	597		666		859		1080		862		3964	

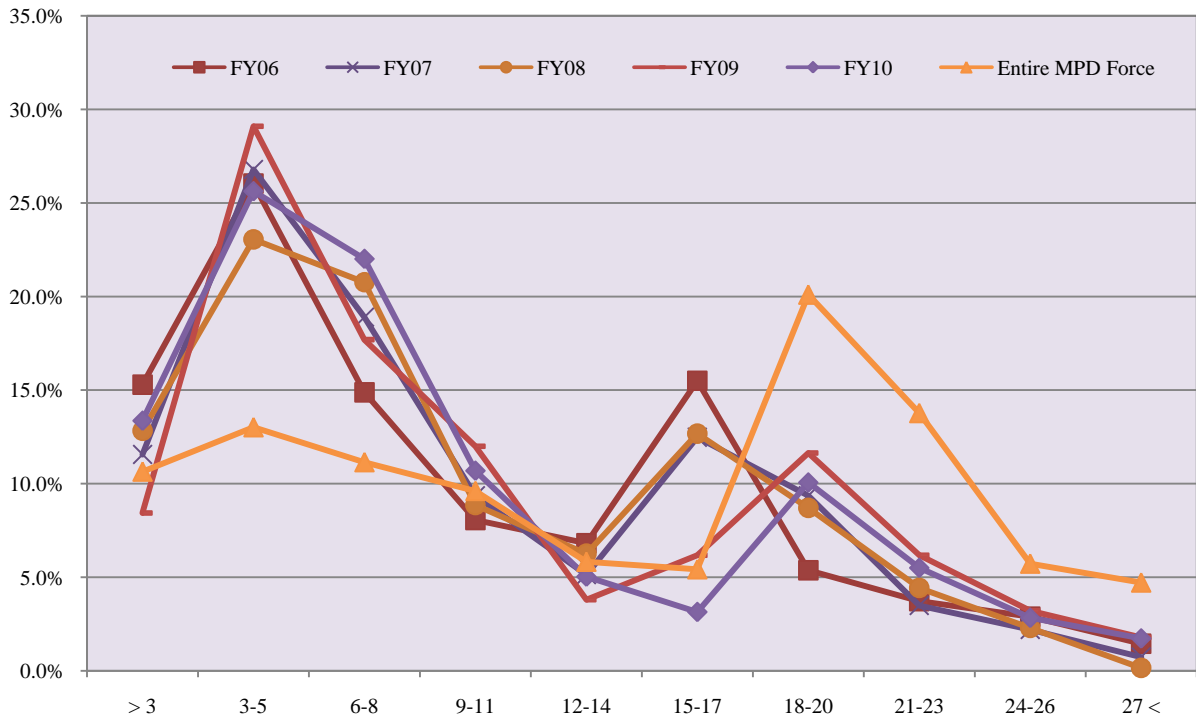
**Chart 18: Subject Officer Age (as a Percentage)**



**Table 19: Subject Officer Years of Service**

Years of Service	FY06		FY07		FY08		FY09		FY10		Entire MPD Force	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
> 3	74	15.3%	63	11.6%	84	12.8%	71	8.4%	85	13.4%	422	10.6%
3-5	126	26.0%	146	26.8%	151	23.1%	245	29.1%	163	25.6%	516	13.0%
6-8	72	14.9%	103	18.9%	136	20.8%	149	17.7%	140	22.0%	442	11.2%
9-11	39	8.1%	51	9.4%	58	8.9%	101	12.0%	68	10.7%	381	9.6%
12-14	33	6.8%	28	5.1%	41	6.3%	32	3.8%	32	5.0%	231	5.8%
15-17	75	15.5%	68	12.5%	83	12.7%	52	6.2%	20	3.1%	215	5.4%
18-20	26	5.4%	51	9.4%	57	8.7%	98	11.6%	64	10.1%	797	20.1%
21-23	18	3.7%	19	3.5%	29	4.4%	52	6.2%	35	5.5%	546	13.8%
24-26	14	2.9%	12	2.2%	15	2.3%	27	3.2%	18	2.8%	227	5.7%
27 <	7	1.4%	4	0.7%	1	0.2%	15	1.8%	11	1.7%	187	4.7%
Unknown	113		121		204		238		226			
<b>Total</b>	<b>597</b>		<b>666</b>		<b>859</b>		<b>1080</b>		<b>862</b>		<b>3964</b>	

**Chart 19: Subject Officer Years of Service (as a Percentage)**



**Table 20: Subject Officer Rank<sup>25</sup>**

	FY06		FY07		FY08		FY09		FY10		Entire MPD Force	
<b>Chief</b>	--	--	1	0.2%	--		--		--	--	1	0.0%
<b>Assistant Chief</b>	1	0.2%	--	--	1	0.2%	1	0.1%	1	0.2%	6	0.2%
<b>Commander</b>	--	--	2	0.4%	1	0.2%	--	--	--	--	18	0.5%
<b>Inspector</b>	1	0.2%	--	--	--	--	--	--	--	--	10	0.3%
<b>Captain</b>	--	--	1	0.2%	--	--	3	0.3%	1	0.2%	44	1.1%
<b>Lieutenant</b>	6	1.2%	4	0.7%	10	1.5%	15	1.7%	9	1.4%	146	3.7%
<b>Sergeant</b>	31	6.4%	49	9.1%	66	10.1%	83	9.4%	36	5.7%	450	11.4%
<b>Detective Grade 1</b>	8	1.7%	3	0.6%	16	2.4%	19	2.1%	2	0.3%	78	2.0%
<b>Detective Grade 2</b>	21	4.3%	23	4.3%	21	3.2%	--	--	13	2.0%	270	6.8%
<b>Investigator</b>	1	0.2%	2	0.4%	--	--	7	0.8%	1	0.2%	37	0.9%
<b>Master Patrol Officer (MPO)</b>	13	2.7%	19	3.5%	26	4.0%	33	3.7%	25	3.9%	83	2.1%
<b>Officer</b>	402	83.1%	433	80.6%	514	78.5%	723	81.8%	548	86.2%	2821	71.2%
<b>Unidentified</b>	113		120		204		196		226			
<b>Total</b>	<b>597</b>		<b>666</b>		<b>859</b>		<b>1080</b>		<b>862</b>			

**Table 21: Number of Officers Who Were the Subject of Multiple Complaints**

	FY06	FY07	FY08	FY09	FY10
<b>2 Complaints</b>	53	55	56	111	78
<b>3 Complaints</b>	21	18	21	29	18
<b>4 Complaints</b>	2	7	7	17	8
<b>5 Complaints</b>	3	2	4	2	4
<b>6 Complaints</b>	--	--	2	--	--
<b>8 Complaints</b>	--	--	--	--	1
<b>9 Complaints</b>	--	--	--	1	1
<b>10 Complaints</b>	--	--	--	--	1

**Table 22: Subject Officer Race or National Origin with “Unique Officer” Information**

	<b>FY06</b>	<b>FY06 Unique Officers</b>	<b>FY07</b>	<b>FY07 Unique Officers</b>	<b>FY08</b>	<b>FY08 Unique Officers</b>	<b>FY09</b>	<b>FY09 Unique Officers</b>	<b>FY10</b>	<b>FY10 Unique Officers</b>
<b>African American</b>	270	215	316	251	350	272	458	333	293	228
<b>White</b>	161	122	190	146	234	174	333	227	275	180
<b>Latino</b>	31	20	27	21	45	35	60	47	48	32
<b>Asian</b>	15	9	7	5	23	13	22	15	21	17
<b>Other</b>	7	5	4	1	1	1	2	1	0	0
<b>Unidentified</b>	113	113	122	122	206	206	205	205	225	225
<b>Total</b>	<b>597</b>	<b>484</b>	<b>666</b>	<b>546</b>	<b>859</b>	<b>701</b>	<b>1080</b>	<b>828</b>	<b>862</b>	<b>682</b>

**Table 23: Subject Officer Gender with “Unique Officer” Information**

	<b>FY06</b>	<b>FY06 Unique Officers</b>	<b>FY07</b>	<b>FY07 Unique Officers</b>	<b>FY08</b>	<b>FY08 Unique Officers</b>	<b>FY09</b>	<b>FY09 Unique Officers</b>	<b>FY10</b>	<b>FY10 Unique Officers</b>
<b>Male</b>	396	297	463	356	564	416	770	548	552	394
<b>Female</b>	88	74	83	70	94	84	114	94	85	63
<b>Unidentified</b>	113	113	120	120	201	201	196	196	225	225
<b>Total</b>	<b>597</b>	<b>484</b>	<b>666</b>	<b>546</b>	<b>859</b>	<b>701</b>	<b>1080</b>	<b>838</b>	<b>862</b>	<b>682</b>

**Table 24: Subject Officer Assignment with “Unique Officer” Information**

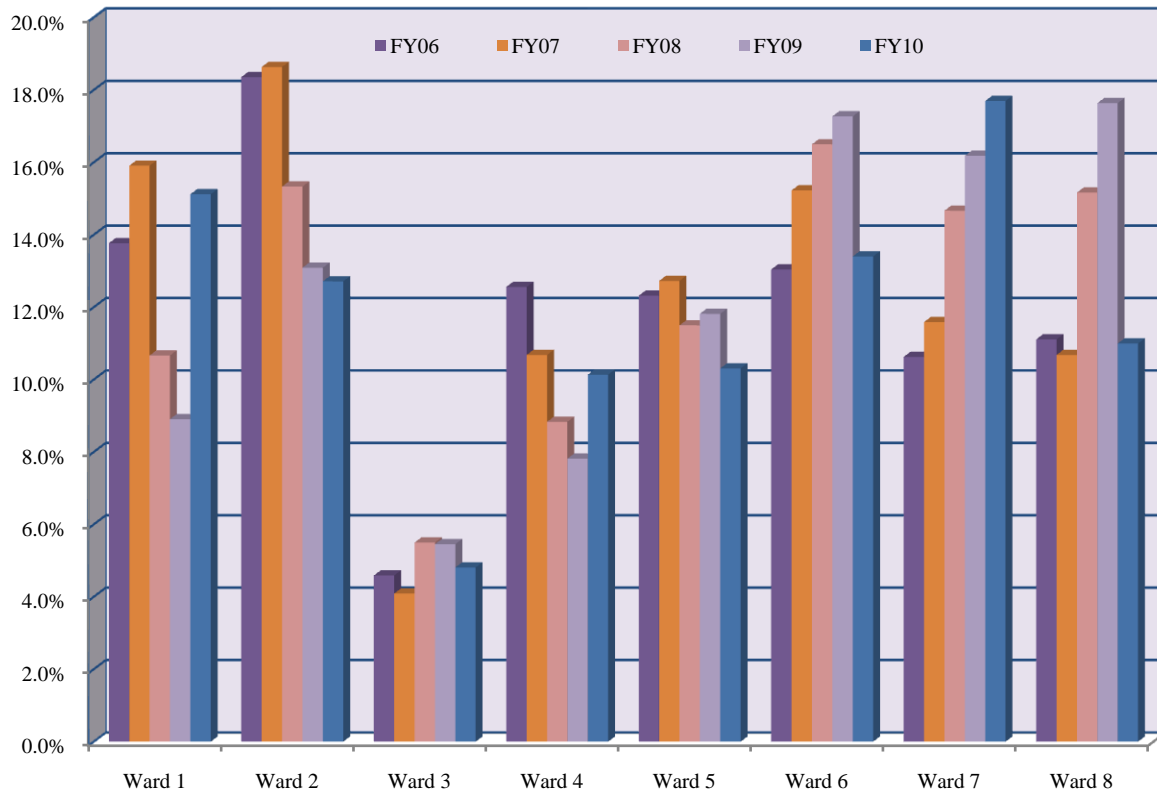
	<b>FY06</b>	<b>FY06 Unique Officers</b>	<b>FY07</b>	<b>FY07 Unique Officers</b>	<b>FY08</b>	<b>FY08 Unique Officers</b>	<b>FY09</b>	<b>FY09 Unique Officers</b>	<b>FY10</b>	<b>FY10 Unique Officers</b>
<b>First District (1D)</b>	93	73	116	99	100	78	143	99	88	74
<b>Second District (2D)</b>	35	32	49	43	68	60	76	60	50	38
<b>Third District (3D)</b>	128	92	119	101	92	65	98	69	134	76
<b>Fourth District (4D)</b>	87	63	76	61	58	41	83	59	76	55
<b>Fifth District (5D)</b>	55	48	80	70	53	41	76	53	51	39
<b>Sixth District (6D)</b>	54	44	112	78	97	72	189	122	112	77
<b>Seventh District (7D)</b>	57	50	66	56	111	78	130	94	78	64
<b>Other</b>	47	43	29	25	64	55	76	53	45	32
<b>D.C. Housing Authority</b>	4	2	13	7	15	10	13	9	3	2
<b>Unidentified</b>	37	37	6	6	201	201	196	209	225	225
<b>Total</b>	<b>597</b>	<b>484</b>	<b>666</b>	<b>546</b>	<b>859</b>	<b>701</b>	<b>1080</b>	<b>827</b>	<b>862</b>	<b>682</b>

6. City Wards

Table 25: City Wards

	FY06		FY07		FY08		FY09		FY10	
<b>Ward 1</b>	57	13.8%	70	15.9%	64	10.7%	49	8.9%	88	15.1%
<b>Ward 2</b>	76	18.4%	82	18.6%	92	15.3%	72	13.1%	74	12.7%
<b>Ward 3</b>	19	4.6%	18	4.1%	33	5.5%	30	5.5%	28	4.8%
<b>Ward 4</b>	52	12.6%	47	10.7%	53	8.8%	43	7.8%	59	10.1%
<b>Ward 5</b>	51	12.3%	56	12.7%	69	11.5%	65	11.8%	60	10.3%
<b>Ward 6</b>	54	13.0%	67	15.2%	99	16.5%	95	17.3%	78	13.4%
<b>Ward 7</b>	44	10.6%	51	11.6%	88	14.7%	89	16.2%	103	17.7%
<b>Ward 8</b>	46	11.1%	47	10.7%	91	15.2%	97	17.6%	64	11.0%
<b>Unidentified / Not in D.C.</b>	15	3.6%	2	0.5%	11	1.8%	10	1.8%	28	4.8%
<b>Total</b>	<b>414</b>		<b>440</b>		<b>600</b>		<b>550</b>		<b>582</b>	

Chart 25: City Wards (as a Percentage)



## **G. Outreach**

### ***1. Fiscal Year 2010***

In fiscal year 2010, OPC concentrated several of its community outreach efforts on underrepresented groups, specifically community-based and government organizations that serve individuals with limited English proficiency, as well as citizens who reside in D.C. Housing Authority (DCHA) properties. The agency also continued its outreach work with several public and charter schools throughout the District of Columbia. In total, OPC conducted 24 outreach activities in fiscal year 2010.

As a part of OPC's targeted outreach plan, the agency participated in two of the D.C. Office of Latino Affairs community outreach events held at the Barbara Chambers Children's Center in the Congress Heights area of Northwest Washington. OPC staff distributed brochures translated into Spanish and spoke with residents about the agency's mission, function, and jurisdiction. In addition, the agency distributed informational materials at the 39th Latino Festival of Washington (Fiesta DC), an annual event celebrating Latino heritage and culture.

OPC also presented to staff members of the Asian Pacific American Legal Resource Center, a non-profit organization targeting the legal needs of Asian Americans who are low-income or who speak little English.

During the course of the fiscal year, OPC conducted presentations at the Benning Terrace, Barry Farms, and Park Morton residential complexes. OPC staff explained OPC's jurisdiction over officers employed by DCHA's Office of Public Safety, and provided information about the complaint process to tenants.

The agency also continued outreach efforts to youth through its Student Interactive Training (SIT) program. The program focuses on promoting positive interactions between youth and the police, as well as educating young people on their rights through role-playing scenarios. OPC visited schools in Wards 6, 7, and 8, including Ballou Senior High School, Caesar Chavez Public Charter School, and Theodore Roosevelt Senior High School. In addition, the agency made its first SIT presentation to college students by conducting a program at Howard University.

OPC conducted a variety of other outreach activities, such as providing training sessions at MPD's training academy. The sessions provided information to officers regarding the role and function of OPC. In addition, the agency presented to the directors of Flexx Your Rights, a nonprofit organization that educates the public about asserting basic constitutional protections during law enforcement encounters.

OPC gained regular media exposure during fiscal year 2010. The Washington Post reported on the annual report for fiscal year 2009, noting the agency's output, including the number of mediation sessions and interviews conducted, as well as the number of policy recommendations issued and investigative reports prepared. In addition, the Crime Scene

blog of the Washington Post reported on the testimony at the District Council's hearing on MPD's response to reports of hate crime.

The agency's executive director was interviewed twice by local National Public Radio affiliate WAMU 88.5 FM regarding efforts in Fairfax County, Virginia, to establish independent police review. The Ithaca Journal (New York) interviewed and quoted Mr. Eure regarding Ithaca's current oversight system and its authority. He also was quoted in several articles about oversight developments around the country that ran in various print and online publications such as The Salt Lake Tribune (Utah), Gainesville Sun (Florida), Jackson Free Press (Mississippi), The Charleston Gazette (West Virginia), and Indy Week (North Carolina), as well as a San Jose Mercury News (California) article on the benefits of mediation for officers and complainants.

## **2. *The Year Ahead***

During fiscal year 2011, OPC will continue its targeted outreach to community-based organizations that serve individuals with limited English proficiency and residents in DCHA properties. Additionally, the agency will continue to make presentations at various schools in the District and participate in community forums and events where information about the agency can be disseminated. OPC also expects to launch a revamped website as part of a redesign project spearheaded by the D.C. Office of the Chief Technology Officer.

## **H. *Police Oversight and Law Enforcement Organizations***

OPC staff members have played an active role in professional organizations related to citizen review of law enforcement and have learned from and contributed to the discussions and training seminars conducted by these organizations.

Every year since 2001, when the agency opened, OPC staff members have participated in panel discussions at conferences sponsored by National Association for Civilian Oversight of Law Enforcement (NACOLE), the non-profit umbrella group for agencies like OPC around the country. Since December 2005, OPC Executive Director Philip K. Eure has been on the board of directors of NACOLE. He currently serves as a board member and as the immediate past president of the organization.

NACOLE's annual conference was held in Seattle, Washington, from September 20 to September 23, 2010. The theme for the gathering was "Promoting Excellence," and OPC staff participated on panels and in workshops that furnished information on best practices in the field of police oversight. For example, Mr. Eure participated as a panelist in a workshop that provided guidance on budgetary issues facing oversight agencies. OPC Chief Investigator Kesha Taylor participated as a panelist in a session entitled, "Basic Investigative Skills for Civilian Oversight Practitioners," while OPC Special Assistant Nicole Porter facilitated a roundtable discussion on the investigative model of oversight.



The agency expects that OPC representatives will continue to share the agency's expertise with other police accountability professionals and to take part in conferences and training sessions aimed at keeping OPC staff members apprised of best practices in the field.

## **I. Policy Recommendations**

The statute creating PCB authorizes the Board to, "make recommendations, where appropriate, to the Mayor, the Council, and the Chief of Police concerning . . . those elements of management of the MPD affecting the incidence of police misconduct, such as the recruitment, training, evaluation, discipline, and supervision of police officers."<sup>26</sup> This authority allows the agency to go beyond its day-to-day work of investigating and resolving individual police misconduct complaints to examine systemic issues that lead to the abuse or misuse of police powers. This year, PCB issued two reports and sets of recommendations. To date, PCB has issued 25 detailed reports and sets of recommendations for police reform, and overall, the Board has been satisfied with the steps taken by MPD and the city to implement the proposals made by the Board. Some sets of recommendations have already been fully adopted and most others are in the process of being adopted or are being actively considered. All of the policy recommendations are currently available on OPC's website, [www.policecomplaints.dc.gov](http://www.policecomplaints.dc.gov).

OPC participated as a part of a task force created by the Council for Court Excellence (CCE), a non-profit organization based in the District of Columbia whose purpose includes identifying and promoting court reforms, improving public access to justice, and increasing public understanding and support of the local justice system. The task force reviewed and recommended changes to the District's disorderly conduct statute and developed a report that was submitted to the Council's Committee on the Public Safety and Judiciary. This report ultimately led to the Council adopting legislative changes to the District's disorderly conduct statute in January of 2011. The task force's work was prompted partially by OPC's 2003 recommendation that the District's disorderly conduct statute be reviewed by District policymakers.

### ***1. Fiscal Year 2010***

The reports and recommendations issued this year are discussed in more detail below.

#### ***a. Increasing Public Awareness of District of Columbia Laws Governing Mopeds and Motor Scooters***

On August 13, 2010, PCB issued a report recommending that the Mayor, MPD, and the District Council increase public awareness of the District's requirements for lawful operation of low-speed motorcycles and motorized bicycles, popularly known as mopeds and motor scooters.

Over the past few years, OPC has received complaints from moped and motor scooter operators who were unaware of or mistaken about the city's legal requirements for such vehicles, and thus incorrectly believed that MPD officers had acted improperly in stopping or ticketing them. Although the District's Department of Motor Vehicles (DMV) provide

website information explaining the basis for classifying some mopeds and motor scooters as motorcycles and others as motorized bicycles, some of this information is difficult to locate online.

Accordingly, PCB recommended that the District better publicize the requirements for mopeds and motor scooters through a renewed public education campaign. The campaign could involve creating a brochure or pamphlet that summarizes information available on DMV's existing website and is distributed to motor scooter, moped, and motorcycle dealerships in the area. The brochure or pamphlet should also be available at DMV offices and MPD police districts. Additionally, the campaign could involve producing public service announcements about the laws governing mopeds and motor scooters that could be aired periodically on the District's cable television channel or other appropriate media. A renewed public education campaign would improve public safety and reduce the number of police misconduct complaints filed against MPD officers alleging improper enforcement of the laws.

***b. Improving the District's Police Accountability System Through the Police Complaints Board's Adoption of a Open Meetings Policy***

On September 30, 2010, PCB issued a report formally adopting a written Open Meetings policy establishing procedures for public participation in PCB's official meetings. Although PCB meetings have always been open to the public, the board had not created procedures for notifying the public of dates, times, and locations of meetings or for publishing the minutes of board meetings.

The new policy, which is consistent with the letter and the spirit of the District of Columbia's Open Meetings law, announced procedures for the publication of PCB meeting minutes as well as public notification of PCB meetings. The policy also detailed the circumstances under which PCB meetings may be closed to the public.

***2. Status Update for Policy Recommendations***

In this year's report, details about any steps taken in response to specific PCB recommendations are included in Appendix A. The appendix has a table for each report that lists the specific recommendations made by the Board and the status of the implementation of those recommendations. The full reports and any updates that were included in earlier annual reports are available on OPC's website, [www.policecomplaints.dc.gov](http://www.policecomplaints.dc.gov). In addition, the agency intends to enhance internet access to the status updates when the agency launches its revamped website.

### **III. THE FUTURE**

Legislation to amend OPC's monitoring authority, if enacted into law, would require OPC to focus on how best to use existing resources to monitor the citizen complaint processes of both MPD and OPS while maintaining OPC's own citizen complaint process. Meeting this new challenge may be complicated by static or reduced funding levels in fiscal years 2011 and 2012, due to the economic difficulties faced nationally and by the District government. If the agency continues to experience its current trend of increasing numbers of complaints, any budget reductions would place a severe strain on OPC operational capabilities. However, OPC will work with the Executive Office of the Mayor and the District Council to ensure that the agency has adequate resources to fulfill its obligations to the public.

OPC will continue to work with MPD to improve compliance with the District's current system of police accountability. As discussed above, OPC and MPD will be communicating more frequently and specifically about unfulfilled requests for documents and disciplinary outcomes for officers' failures to cooperate with OPC.

The agency will also continue to analyze how best practices can improve the current police accountability system in the District of Columbia. With this objective in mind, PCB plans to issue a number of policy recommendations in fiscal year 2011. One set of recommendations will address the potential impact of the District's participation in the "Secure Communities" program. Another will encourage MPD and DDOT to educate motorists on when accident reports are required to be completed. A third set of recommendations will address officers' compliance with MPD policies governing conduct while off-duty.

## Endnotes

<sup>1</sup> The four possible outcomes that a complaint examiner may reach are: 1) Sustained – where the complainant's allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper; 2) Exonerated – where a preponderance of the evidence shows that the alleged conduct did occur but did not violate MPD policies, procedures, or training; 3) Insufficient Facts – where there are insufficient facts to decide whether the alleged misconduct occurred; and 4) Unfounded – where the investigation determined no facts to support that the incident complained of actually occurred. D.C.M.R. § 2120.2.

<sup>2</sup> Two categories, “Discriminatory Treatment” and “Retaliation,” were deleted from the table because no allegations in these categories were adjudicated by complaint examiners in fiscal year 2010.

<sup>3</sup> Metropolitan Police Department General Order 120.21, *Disciplinary Procedures and Processes* (April 13, 2006).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> When counting the overall outcome for a complaint, a complaint that has at least one sustained allegation is counted as a sustained complaint. The number of sustained complaints is determined by this method because if a complaint has at least one sustained allegation, it must be forwarded to the Chief of Police for imposition of discipline, even if the other allegations are not sustained. The only time that a complaint is not forwarded to the Chief of Police for discipline is when no allegations are sustained. In these cases, the complaint is dismissed after the complaint examiner issues his or her decision.

<sup>8</sup> See D.C. Official Code § 5-1112 (2001 ed.).

<sup>9</sup> *Id.*

<sup>10</sup> As of the date of issuance of this report, disciplinary determinations regarding two officers are still pending.

<sup>11</sup> The three resignations reported in this table include two that resulted from the criminal convictions discussed in Section II.C.1 of the Police Complaints Board Annual Report for fiscal year 2007, available at <http://policecomplaints.dc.gov>. Resigning from MPD was part of the plea agreements entered into by both subject officers.

<sup>12</sup> See D.C. Official Code § 5-1111(d).

<sup>13</sup> See D.C. Official Code § 5-1110(k).

<sup>14</sup> CANS (Court Automated Notification System) is the name of the system MPD uses to notify officers to appear at OPC or in court. When OPC needs to interview an officer, the agency submits to MPD a request for a CANS notice.

<sup>15</sup> In accordance with D.C. Official Code §5-1111(d), OPC issues discipline notifications to MPD when it finds that officers have failed to cooperate with OPC's investigative, adjudicative, or mediation processes. The statute also provides that, upon receiving a notification that an officer has failed to cooperate, “the Police Chief shall cause appropriate disciplinary action to be instituted against the employee, and shall notify the Executive Director of the outcome of such action.”

<sup>16</sup> Samuel Walker, Carol Archbold, and Leigh Herbst, *Mediating Citizen Complaints Against Police Officers: A Guide For Police and Community Leaders*, U.S. Department of Justice, Office of Community Oriented Policing Services, at 40 (2002), available at <http://www.cops.usdoj.gov/files/ric/Publications/e04021486.pdf>.

<sup>17</sup> Given the complexity of comparing the work of independent police review agencies, the care used by Professors Walker, Archbold, and Herbst in developing their measures is significant. Each agency has different authority and responsibility, which affects the universe of complaints it can consider and resolve, the types of

allegations it investigates, and the resolutions it can reach, all of which add to the challenge of finding suitable methods of comparison. Consequently, readers should use caution when attempting to compare agencies and carefully scrutinize measures and what they purport to show.

<sup>18</sup> See *infra* endnote 22.

<sup>19</sup> Section II(F)(2) has been redesigned in this annual report. Specifically, the “OPC Workload” table has been modified for clarity. In addition, Tables 6, 7, and 8 feature some adjustments from previous years’ reports. These corrections are based on a review of the status of cases for fiscal years 2008 through 2010. The review consisted of comparing current data and information used for prior reports, identifying differences, and researching the accurate posture of the cases for the reported years. This process is continuing, and OPC will continue to review and adjust classifications of complaints where appropriate.

<sup>20</sup> In fiscal year 2009, OPC reported 135 referrals to MPD. In fiscal year 2008, OPC tracked and reported when non-complaint based contacts were referred to MPD. OPC discontinued tracking the referral of contacts in this way. As a result, seven referred contacts have been subtracted from the previously reported total.

<sup>21</sup> In fiscal year 2009, “Table 9: General Categories of Allegations in Complaints” incorrectly reported that there were 650 instances of harassment being alleged. The 2009 data have been corrected in Table 7.

<sup>22</sup> The “District Population” data in Tables 9, 10, and 11 are included for reference purposes, and reflect the most current data available. It should be noted that anyone, whether a resident of the District or not, may file a complaint with OPC. Readers should also use caution when making comparisons between the population data and the complaint data for any particular fiscal year. The breakdown of the District population has changed some over time, so the value of these data as a comparator may vary as the difference in the age of the data sets increases.

The data in Tables 9 and 10 were obtained from the United States Census Bureau, District of Columbia State and County Quickfacts, which can be found at <http://quickfacts.census.gov>.

Please note that in Table 9, the District population data for race or national origin add up to more than 100%. The Census Bureau data set considers Latino identification as an ethnic group that can include individuals who identify as members of different races, and the data set does not adjust the other categories (such as white or African-American) to separate out people who identify as both Latino and one of the other categories. Table 9 also included Middle-Eastern to reflect how OPC complainants self-identify, but is not a classification in the census data.

The data in Table 11 were obtained from the “Profile of General Demographic Characteristics: 2000” for the District of Columbia on the United States Census website, [www.census.gov](http://www.census.gov).

<sup>23</sup> The “Entire MPD Force” data included in this section were obtained from the official MPD roster of October 2010. On that date, MPD had 3964 sworn members, and the data reflect the breakdown of those officers. Readers should note that although OPS subject officers are included in the subject officer characteristics data, they are not included in the “Entire MPD Force” data. Complete demographic data for the OPS force are unavailable.

Caution should be used when making comparisons between the police force data and the complaint data for any particular fiscal year. The breakdown of the police force has changed some over time, so the value of these data as a comparator may vary as the difference in the age of the data sets increases.

<sup>24</sup> Data regarding subject officers’ assignments have fluctuated from year to year. Readers should use caution when attempting to draw conclusions from the year-to-year trends regarding the assignments of subject officers.

<sup>25</sup> The police force data for the “officer” category include 37 senior police officers and 194 police recruits. The police force data for the “sergeant” category include 10 desk sergeants.

<sup>26</sup> See D.C. Official Code § 5-1104(d).

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## Appendix A: Policy Recommendation Status

**Table 26: Increasing Public Awareness Of District Of Columbia Laws Governing Mopeds And Motor Scooters**

(August 13, 2010)

Recommendation	Status
<p>The District, through DMV and with input from MPD, other interested District agencies, and community stakeholders, should consider developing an informational brochure that, as simply as possible, explains the differences between, and requirements for, motorcycles and motorized bicycles. The brochure should highlight and emphasize that motor scooters capable of speeds higher than thirty-five miles per hour are considered motorcycles under District law, regardless of the vehicle’s appearance or its designation by the manufacturer as a “moped” or “motor scooter.” The brochure should also make clear that those mopeds and motor scooters classified as motorized bicycles under D.C. law are still subject to registration, insurance, and inspection requirements.</p>	<p><b>Pending.</b> DMV reports that staff cuts limited the agency’s brochure production capacity to copying existing information and, therefore, the recommended and updated brochure was placed on hold. DMV anticipates having the eliminated position restored and being able to produce the suggested brochure.</p> <p>Although MPD reports having developed a flyer and a poster in the spring of 2009 (prior to the issuance of PCB’s policy recommendation), consistent with PCB’s recommendation, PCB still hopes that MPD will provide input as DMV develops the suggested brochure.</p>
<p>DMV should make copies of the brochure available for general distribution at each of its service locations and should supply the brochure to anyone who seeks to register a moped or motor scooter in the District.</p>	<p><b>Pending.</b> DMV committed to make the recommended brochure available in DMV service centers once the production capacity has been restored.</p>

<p>DMV should offer copies of the brochure to motor scooter, moped, and motorcycle dealerships in the Washington, D.C., metropolitan area and encourage distribution to customers to ensure that prospective motor scooter and moped operators are made aware at the outset of D.C. legal requirements governing these vehicles.</p>	<p><b>Adopted in part, pending in part.</b> DMV reported that once the brochure is created, it will refer area dealerships to its website. DMV stated further that it would distribute its chart entitled “Non-Traditional Motor Vehicles and DC Law” at the Washington Auto Show WANADA Seminar for area dealerships. DMV added a link to the chart to the agency’s dealer website.</p>
<p>DMV should prominently display the brochure on its website, such as through inclusion of a link to it in the “Did You Know” sidebar on its home page.</p>	<p><b>Adopted in part, pending in part.</b> As above, the brochure has not been produced. However, DMV reports adding a link to its “Non-Traditional Motor Vehicles and DC Law” to the “Did You Know” section of the homepage.</p>
<p>MPD should have copies of the brochure available for distribution at each of its district stations and should consider having officers carry a limited number in their police cruisers for distribution to persons ticketed or warned for failing to comply with the relevant laws.</p>	<p><b>Adopted in part, pending in part.</b> MPD reports that the spring 2009 poster was distributed to recreational centers and posted at police districts stations. MPD further reports that the spring 2009 flyer is available at police districts and has been distributed to police officers.</p>
<p>MPD should include a link to the new brochure on the existing MPD traffic safety page that currently provides information about mopeds, motor scooters, and other non-traditional motor vehicles.</p>	<p><b>Pending.</b> MPD reports that this was completed in 2009. As mentioned above, PCB hopes that if DMV produces a new brochure, MPD will continue to feature a link from MPD’s website to the new materials.</p>
<p>DMV should consider developing a public service announcement explaining the requirements for lawful and safe operation of mopeds and motor scooters in D.C. for possible airing on the District’s cable television channel or other appropriate media.</p>	<p><b>Not adopted.</b> DMV reports that it does not currently have the capacity to create public service announcements.</p>



**Table 27: Monitoring Citizen Complaints That Involve Police Response to Reports of Hate Crime**

**(September 30, 2009)**

MPD deserves credit for steps it has taken which are responsive to the issues raised in this PCB report, but not to a particular recommendation. MPD’s 2009 Annual Report describes an initiative whereby MPD’s Special Liaison Branch (SLB) has affiliate officers who receive specialized training and then continue their patrols in the field, with ongoing access to SLB resources and guidance. MPD has also repeatedly used its official publication “The Dispatch” to remind officers of the protocols for taking reports of hate crimes.

<b>Recommendation</b>	<b>Status</b>
<p>MPD should collaborate with OPC to establish a system to monitor complaints filed with both agencies that allege inadequate police response to a report of hate crime. MPD should identify relevant complaints even where the complainants may fail to use terms such as “hate crime” or “bias crime.”</p>	<p><b>Pending.</b> MPD previously stated that both OPC and MPD have systems and processes in place for collaboration, including a sergeant assigned as a regular liaison officer. MPD recommended that analysts from both agencies work together to collect and review current data to determine if there is a need to establish another system. MPD now reports that it is awaiting a response from OPC on the Department’s request to work together to review current data. OPC reviewed its data, identified complaints regarding police response to potential hate crimes, and forwarded the results to MPD in December 2010, and is currently awaiting MPD’s release and analysis of the data.</p>
<p>MPD should invite other District agencies, such as OPS (formerly DCHAPD) and OHR, to participate in the information-sharing and monitoring process. In the event patterns or trends are identified that suggest the need for corrective action, such information should be noted and brought to the attention of MPD and PCB. Further, to the extent information about these complaints appears appropriate for inclusion in the Mayor’s statutorily mandated report of bias-related crime issues, such information should be transmitted to the appropriate officials.</p>	<p><b>Adopted.</b> MPD states that it participates in the D.C. Bias Crime Task Force, which is chaired by the United States Attorney and includes representatives from federal and local law enforcement, as well as interested community groups. One of the objectives of the Task Force is to strengthen the partnership between law enforcement and the community in preventing and responding to hate crimes. In February 2010, MPD hosted the quarterly meeting of the Task Force and invited other agencies, such as those suggested by PCB in this recommendation, to attend and discuss ways to enhance the sharing of information and training. MPD now reports that the Department submitted a report on bias-related crimes in November 2009, an update in February 2010, and in its 2009 annual report released in July 2010.</p>
<p>MPD should utilize the existing framework of the Fair and Inclusive Policing Task Force and the D.C. Bias Crimes Task Force to address community concerns about police responsiveness to hate crime and work with its task force partners to ensure that all constituencies covered by the D.C. Bias-Related Crimes Act receive education and outreach, particularly groups for whom hate crimes data suggest underreporting.</p>	<p><b>Adopted in part.</b> As noted above, MPD reports that it continues to work with the D.C. Bias Crimes Task Force and states that its active participation in this group provides a way to address community concerns about hate crimes-related issues. MPD states that it does not plan to reconvene the Fair and Inclusive Policing Task Force for the purpose of addressing community concerns about hate crimes but is willing to use this task force in the future if, in its view, the need arises. MPD now reports that the Department will continue to work within the framework of task forces and committees it currently participates in to share vital information, which is reported to the Mayor’s office via MPD’s annual report.</p>

**Table 28: Monitoring of April 2009 IMF/World Bank Protest**

**(September 24, 2009)**

<b>Recommendation</b>	<b>Status</b>
<p>MPD should continue to offer training to its Civil Disturbance Unit (CDU) and, as appropriate, to other officers that emphasizes compliance with the First Amendment Assemblies Act. In the course of its training, MPD should review the incident that unfolded April 25, 2009, and discuss how the outcome could have been better. In particular, the training should focus on provisions of the First Amendment Assemblies Act that address: giving demonstrators the opportunity to comply voluntarily with time, place, and manner restrictions; giving demonstrators reasonable and adequate time to disperse; giving demonstrators a clear and safe route for dispersal; limiting use of police lines; and prohibiting use of chemical irritants except in rare circumstances.</p>	<p><b>Adopted.</b> MPD stated in last year’s PCB annual report that all CDU personnel receive training annually, which includes training in the First Amendment Assembly Act. MPD now reports that the Department continues to support this recommendation, that the annual training continues, and that each demonstration is reviewed and deficiencies are addressed.</p>
<p>The District, through concerted effort by the Mayor, D.C. Council, and MPD Chief of Police, should seek to obtain voluntary compliance with the First Amendment Assemblies Act by those federal law enforcement agencies that routinely assist MPD with First Amendment demonstrations on District-controlled public space. The District may wish to enter voluntary Memoranda of Agreement with these agencies, pursuant to which MPD would provide training and guidance on the operation and application of the First Amendment Assemblies Act in exchange for a voluntary commitment from the cooperating agencies to comply with the terms of the Act when assisting MPD with First Amendment demonstrations.</p>	<p><b>Adopted.</b> MPD states that in any situation where the Department obtains assistance of outside law enforcement agencies for demonstration-related duties, MPD must brief the outside agency’s commanders on the requirements of MPD’s Standard Operative Procedures for Handling First Amendment Assemblies and Mass Demonstrations</p>

**Table 29: Taxicab Drivers and MPD Enforcement of the District’s Taxicab Regulations**

**(September 8, 2009)**

<b>Recommendation</b>	<b>Status</b>
DCTC should review for accuracy and clarity rules and regulations governing taxicab drivers, particularly those that address issues raised in this report, and make such revisions as are necessary to promote understanding and compliance.	<b>Pending.</b> DCTC reports that it is working with the Office of the Attorney General (OAG) to update its regulations and that several chapters are undergoing review for legal sufficiency by the OAG and policy review by the Mayor’s Office of Policy and Legislative Analysis.
DCTC should consider making available translations of important rules and regulations in the non-English languages most commonly spoken by taxicab drivers.	<b>Not adopted.</b> DCTC states that it does not have funding to implement this recommendation.
DCTC and UDC should assess the current UDC taxicab pre-license training course and work together to incorporate relevant provisions of Title 31 of the D.C. Municipal Regulations into the course content. Efforts should also be made to include a significant number of questions from Title 31 in the UDC simulated final examination.	<b>Pending.</b> DCTC states that the driver training class, the refresher class, and licensure examination are currently not being offered. DCTC has requested that the training and refresher courses no longer be provided by UDC, but instead by the new Community College of the District Columbia (CCDC). DCTC reports meeting with the administration of CCDC and is assembling a working group to review the entire curriculum, with an eye towards complete revision.
DCTC and UDC should recruit interested MPD officers and DCTC hack inspectors to serve as instructors or guest presenters.	<b>Pending.</b> DCTC states the potential revisions to the curriculum described above could include MPD officers, and that DCTC will recommend that the working group include an MPD representative.
DCTC should require taxicab drivers to attend annual refresher training that centers on Title 31 of the taxicab regulations and applicable District law.	<b>Pending.</b> DCTC states that it will consider this recommendation when it conducts the review described above, noting, “Title 31 has always been and will remain a part of the training.”
MPD and DCTC should establish regular joint training sessions for hack inspectors and MPD officers.	<b>Not adopted.</b> MPD states that, although it provides training to hack inspectors, regular joint training sessions are not currently planned, as training of MPD officers is far more extensive than that what is provided to hack inspectors. DCTC agrees with MPD’s position, but states that incorporating MPD skills sets into CCDC training would be beneficial.
MPD should review and update its current training materials and general orders, offer annual in-service training on taxicab enforcement to all MPD officers, and continue to provide roll-call training to inform officers of important changes in taxicab rules and regulations.	<b>Adopted.</b> MPD states that it has worked to clarify any confusion on the part of officers by providing updates through its teletype system, as well as training during roll call. All corrections and clarifications will be incorporated into the recruit and professional development training programs and in MPD directives.

Recommendation	Status
<p>Both MPD and DCTC should review taxicab citations issued by their respective agencies and seek to identify any problematic patterns or trends. To address concerns about discriminatory enforcement, MPD and DCTC should develop a system to review individual citations in order to spot outliers, <i>i.e.</i> officers or inspectors whose citation issue rates are higher than average. This can be accomplished by noting which infraction specified in D.C. Mun. Regs. tit. 31 § 825 was incurred, which officer or inspector issued the citation, and any identifying information about the taxicab driver available from the citation. MPD and DCTC could coordinate to connect driver’s license and vehicle ID numbers to specific individuals.</p>	<p><b>Adopted in part.</b> MPD states that it will review citations pertaining to taxicab violations in order to discern any potential patterns or trends. An MPD representative of the agency’s Homeland Security Bureau, which oversees the Traffic Safety and Specialized Enforcement Branch, will meet with a DCTC representative on a quarterly basis to review enforcement efforts and identify and address any existing or potential issues. DCTC states, however, that the volume of complaints received and investigated by PCB would not justify the cost of adopting the recommendation.</p>

**Table 30: Public Drinking Arrests by MPD Officers on Residential Property  
(August 17, 2009)**

Recommendation	Status
<p>MPD should develop a new POCA general order and corresponding recruit and in-service POCA training. Although the general order and training should cover all aspects of POCA enforcement, special emphasis should be placed on how properly to enforce POCA in the residential context, since this is the area of greatest confusion and the one that presents the greatest potential for civil rights violations, given the primacy of the right of citizens to be free of government intrusion in and around their homes. At a minimum, the new directive and the attendant training should ensure that MPD officers know:</p> <ul style="list-style-type: none"> <li>a) Not all residential yard space in the District of Columbia is public property; therefore, not all District yards are subject to POCA;</li> <li>b) Most backyards are not subject to POCA, even in neighborhoods where “parking” abuts front yards;</li> <li>c) The front yards of many residential properties adjoined by “parking” consist both of “parking” and privately owned land, and arrests for POCA are not sanctioned on the part of a yard that is not “parking;” and</li> <li>d) If it is unclear whether residential yard space is “parking,” POCA arrests should not be made.</li> </ul>	<p><b>Adopted in part.</b> In last year’s annual report, MPD stated that it had updated recruit training and included in roll call training guidance on POCA enforcement. The Department noted, however, that general orders are designed to address MPD procedures and policies, and that unless a law necessarily involves new MPD policies or procedures, MPD will not issue a general order but instead address the matter during training.</p>

**Table 31: MPD Provision of Police Service To Persons With Limited English Proficiency (LEP)**

**(July 16, 2009)**

<b>Recommendation</b>	<b>Status</b>
<p>MPD should develop a written policy statement that unequivocally affirms the agency’s commitment to providing language assistance to LEP individuals in order to ensure that persons with LEP have meaningful access to MPD’s services. The policy statement, in addition to voicing support for equalizing the treatment of LEP individuals, should emphasize the legally binding, nondiscretionary nature of this duty. The policy statement should then be included in MPD’s language access plan, in any new or revised language access directives, and in all language access-related training materials.</p>	<p><b>Adopted.</b> MPD has written a policy statement incorporating the suggested language.</p>
<p>Include in MPD’s forthcoming language access general order clear, specific guidance for officers regarding: 1) how to recognize the need for LEP assistance 2) the mandatory legal obligation to provide such assistance, and 3) step-by-step instruction on how, particularly during field encounters with LEP individuals, to employ the various language assistance services currently available. A binding directive that that brings together all of the relevant information would clarify for officers how to handle field stops and routine encounters with LEP individuals. The new general order should: define “LEP;” explain that LEP individuals may be able to communicate on a basic level but warn that it is easy to overestimate an LEP person’s English comprehension skills; require officers to provide language assistance to anyone who meets the objective criteria of having difficulty communicating and/or understanding and to anyone who specifically requests language assistance; discourage officers from relying on family members, friends, or bystanders except in exigent circumstances; and instruct officers to err on the side of providing language assistance when in doubt.</p>	<p><b>Adopted.</b> MPD published GO-SPT-304.18 (Language Access Program) on September 15, 2010, which incorporates PCB’s recommendations. MPD previously reported that once the general order was finalized, the Department would commence training on this issue.</p>
<p>With respect to which services to provide, the general order should outline the services and techniques available to be used, such as MPD-certified interpreters and interviewers, the Language Line, qualified outside interpreters, and translated documents. The step-by-step instruction contained in the teletypes and “Dispatch” articles should be included. This directive also should inform officers of any preferable order in which the services should be accessed and spell out when the provision of particular services is mandatory.</p>	

Recommendation	Status
<p>Enhance LEP training by including in MPD’s cultural competency and diversity training a segment that provides step-by-step review of how to identify and provide language assistance to LEP individuals, particularly during field encounters. Additionally, refine MPD’s mandatory online LEP training course to more clearly distinguish between officers’ mandatory legal obligation to provide language assistance to LEP individuals and voluntary customer service standards. In addition, include a section in its cultural competency training on assisting persons with LEP. Finally, the mandatory MPD online LEP training course should be modified to make clearer the legal obligation under Title VI and the Language Access Act to provide language assistance to the LEP community so that officers will understand that it is mandatory, not discretionary, to offer language assistance where it is needed.</p>	<p><b>Adopted.</b> MPD states that the mandatory online LEP training course will be modified to distinguish clearly between voluntary customer service standards and mandatory language access requirements, as well as emphasize the mandatory nature of providing language assistance. In addition, LEP training was incorporated into the 40-hour training given to new members of the Special Liaison Branch, which is composed of the Asian Liaison Unit, the Deaf and Hard of Hearing Liaison Unit, the Gay and Lesbian Liaison Unit, and the Latino Liaison Unit.</p>
<p>Adopt and incorporate the recommendations made by DOJ in its compliance review and those made by OHR in its 2008 ruling in <i>OHR v. MPD</i> (08-264-LA).</p>	<p><b>Adopted.</b> MPD has developed an audit plan to determine the extent of compliance by members of MPD with the principles and standards of Federal and District government laws and regulations that require access to all MPD programs and services by persons who have little or no proficiency in English. The audit will be conducted annually to ensure that all oral and written MPD communications, such as notices, complaint forms, and outreach material, are in a language that individuals can understand. The audit will also ensure that all MPD personnel provide oral interpreters and document translations services in a timely manner.</p>
<p>Consider and utilize the federal, state, and municipal resources identified in the Best Practices section of this report to update and revise MPD’s LEP plan, directives, and training. For example, review the DOJ planning tool and the LEP departmental directives that have been adopted in Philadelphia, San Francisco, and New Jersey, as these serve as clear, relevant examples of how to incorporate and implement many of the improvements recommended by DOJ and OHR.</p>	<p><b>Adopted.</b> Although MPD has not reported on whether they considered or utilized the resources identified in the Best Practices section of the PCB’s report and recommendation, MPD states that its review of best practices is ongoing and considers best practices in developing both Departmental policy and training of its officers.</p>

**Table 32: Monitoring Citizen Complaints that are Investigated by the Metropolitan Police Department and the D.C. Housing Authority Police Department**

**(September 30, 2008)**

<b>Recommendation</b>	<b>Status</b>
<p>The agency’s current authority should be expanded to include monitoring the number, types, and dispositions of citizen complaints investigated or otherwise resolved by MPD and DCHAPD. This monitoring responsibility should also include allowing the agency to review and report on the proposed discipline as well as the amount of actual discipline handed down by the two police departments. Further, OPC should be provided with complete and unfettered access to MPD and DCHAPD materials, including information pertaining to discipline, to carry out the monitoring function. In addition, OPC should be permitted the same full access to information and supporting documentation from MPD and DCHAPD concerning disciplinary actions taken by the two departments following the receipt of OPC complaint examiner decisions that sustain citizen complaints. This access should be extended to allow OPC to obtain all materials from MPD and DCHAPD concerning any disciplinary actions taken or that these two police departments decline to take in response to “failure to cooperate” notifications received from OPC.</p>	<p><b>Pending.</b> A bill entitled the “Police Monitoring Enhancement Amendment Act of 2009” (B18-120) was introduced before the D.C. Council on February 3, 2009, and included many of the recommendations. MPD opposed the legislation, especially the portions relating to access to underlying documents. The D.C. Council’s committee on Public Safety and the Judiciary considered the legislation during the winter of 2010, but did not proceed with the bill. The legislation has not been reintroduced during the current Council period.</p>

**Table 33: Improving Police-Community Relations Through Diversion of Some Citizen Complaints to a Rapid Response Program**

**(September 24, 2008)**

<b>Recommendation</b>	<b>Status</b>
<p>The District Council enact legislation to give OPC the authority to resolve some less serious complaints through a new Community Policing Rapid Response program. The program would be designed to resolve complaints more quickly by putting complainants in direct contact with first-line supervisors of subject officers to whom they could voice concerns, while also allowing supervisors to speak directly with complainants about largely service-oriented concerns or explain police department policies.</p>	<p><b>Pending.</b> There has not been any legislation introduced to enact this recommendation.</p>

**Table 34: Video Cameras in MPD Police Cruisers**

**(August 28, 2008)**

<b>Recommendation</b>	<b>Status</b>
<p>Establish a pilot program to install Mobile Video Recorder (MVR) technology, or video cameras, in 750 police cruisers, approximately 10-20% of the current MPD fleet, with accompanying infrastructure that ensures that officers are trained to operate the camera systems and transmit data. The infrastructure must also provide procedures for data management.</p>	<p><b>Not Adopted.</b> MPD previously reported conducting a pilot program in MPD’s Narcotics and Special Investigations Division. MPD published a Division Memorandum (NSID 09-01) to guide operations during the pilot program. MPD reports that as of August 2010, a pilot project of the Indash Mobile Video Recorder system was complete. MPD tested two systems, and identified the better performing system. MPD states that very few incidents were captured on video, and that the cost of placing the preferred system in 7% of MPD’s fleet would be approximately one million dollars. Citing recent budget cuts and budget priorities, MPD reports that there are “no plans in the foreseeable future to implement such a costly system with limited benefits.”</p>
<p>Draft a comprehensive policy regarding MVR use by MPD officers that ensures legal and procedural safeguards, such as: prevent arbitrary enforcement, provide notice to citizens, address individual privacy concerns, and inform officers of the consequences resulting from abuse of the system by individual officers.</p>	
<p>Provide actual notice to individuals under MVR surveillance by (1) generally publicizing the adoption of MVRs, and (2) personally notifying each person subject to recording whenever practicable and at the first opportunity to do so.</p>	
<p>Develop a comprehensive program that addresses the storage, management, and use of MVR data, as well as training for staff regarding management.</p>	
<p>Develop a comprehensive retention policy for MVR data that includes formal guidelines for data retention for a reasonable period of time and data disposition, as well as establishing the Chief’s authority to extend or amend guidelines. The policy should reflect a balance between the need to retain evidence for possible adjudication and privacy concerns. Data retention time periods should be tailored to the expected use of the data, such as evidentiary support in criminal case or in cases in which MPD may be subject to civil liability, as well as for training purposes. However, a maximum storage time period of three years is recommended, subject to extension by the Chief.</p>	
<p>Establish an MVR auditing system to ensure that each officer is operating the equipment, recording data, and uploading information in accordance with MPD policies. Periodic checks should be accomplished to ascertain if officers are behaving on camera in a manner consistent with MPD officer standards. Technology that encodes video footage with officer identification codes could facilitate periodic review.</p>	
<p>If MPD funds are not adequate to establish and maintain an MVR program, seek appropriations from the District council and apply for grant funding from federal and private sources.</p>	



**Table 35: Categorization of Citizen Complaint Allegations**

(June 11, 2008)

Recommendation	Status
<p>Adopt a uniform citizen complaint tracking system by using:                      (1) General citizen complaint categories currently being used by OPC; and                      (2) Detailed subcategories that are the same or similar to those used by OPC.</p>	<p><b>Adopted in part.</b> On December 19, 2008, MPD reported that it had changed its tracking system to incorporate those cases being investigated by OPC. The department has added the six broad categories used by OPC, specifically denoting each category as being associated with OPC. For example, MPD now tracks allegations under categories labeled, “OPC Harassment,” “OPC Language,” and “OPC Conduct.” MPD did not adopt the subcategories used by OPC because the proprietary nature of the software created by IBM and Motorola make the cost associated with such changes not feasible at this time.</p>

**Table 36: Medical Treatment for Arrestees**

(August 8, 2007)

Recommendation	Status
<p>Issue revised and updated general orders that reflect the department’s current reliance on local medical facilities and that explicitly prohibit officers from discouraging arrestees to seek medical treatment. The revised and updated general order would address the procedures that officers should follow now that D.C. General Hospital is no longer the full service inpatient facility it was when MPD General Order 502.7 was issued. Like the policies of the Portland and San Francisco police departments, the updated general order should also list specific and objective criteria for the transportation of an arrestee to a medical facility. By setting forth in its general order a list of illnesses and injuries that require immediate medical attention, MPD would reduce the likelihood of officers making uninformed assessments of an arrestee’s medical state, and would ensure that an arrestee who complains of, or appears to have, a serious injury or medical condition such as chest pains, seizures, or head wounds receives appropriate medical care.</p>	<p><b>Pending.</b> MPD states that General Order 502.07 (Medical Treatment and Hospitalization for Prisoners) is actively being revised with PCB’s recommendations being taken into consideration.</p>

Recommendation	Status
<p>Establish “best practices” and quality assurance mechanisms that would ensure that MPD officers are providing arrestees with prompt access to medical care when needed. Such practices and mechanisms could include cross-checking use of force complaints where the citizen was arrested and alleged an injury with the corresponding PD 313. MPD should also conduct audits of the PD 313s on a regular basis to make sure that the form is being fully and accurately completed by the appropriate officer, that citizens have an opportunity to present on the form their account of how the injury was obtained, and that supervisors are adequately investigating the incident. MPD should post information at its processing stations explaining to arrestees the procedures for seeking medical treatment if the individual needs it.</p>	<p><b>Pending.</b> MPD states that it has no update. PBC will follow up with MPD in the coming fiscal year.</p>
<p>Explore the feasibility of adopting alternative approaches to MPD’s current method of providing medical treatment to arrestees. One possible approach to consider is having a trained health care or emergency medical professional on call, perhaps from the District’s Fire and Emergency Medical Services, to assess an arrestee’s medical condition and determine the proper mode of transport to a hospital where further medical care is warranted. Another idea would be to staff each district with trained health care or emergency medical professionals who can conduct assessments of arrestees around the clock. A third alternative would be to contract with a local university hospital to have trained health care professionals available and conducting assessments at some or all of the police districts.</p>	<p><b>Adopted.</b> On January 14, 2010, MPD reported that it conducted a seven-month pilot program to assess the feasibility of having a central processing facility and contracting with a medical services provider for non-emergency medical care to arrestees. MPD concluded that the program was not cost effective and, that the Department could not find additional funding for the program. MPD has, therefore, resumed its policy of having officers take arrestees to the nearest hospital for non-emergency treatment.</p>
<p>Review the MPD Form PD 313, Arrestee’s Injury/Illness Report, and make changes where appropriate. Although the PD 313 appears to be adequate, PCB recommends that MPD review the form and make changes to it based on whatever changes are made to General Order 502.7.</p>	<p><b>Pending.</b> MPD states that PD Form 313 (Arrestee Injury Report) is currently under review, and that necessary changes will be made based on revisions to General Order 502.07</p>
<p>Provide enhanced in-service and new recruit training to MPD officers. Such training should focus on making sure that officers are aware that arrestees complaining of medical illness or injury should be treated immediately, and that officers do not have the discretion to refuse medical treatment for an arrestee who requests it. In addition, the training should prohibit the practice of dissuading arrestees from seeking medical care, and explicitly inform officers that under no circumstances can they fail to seek medical treatment for those arrestees who appear to have a serious injury or illness.</p>	<p><b>Adopted.</b> On December 20, 2007, MPD reported that this topic was included in the October 2007 roll call training and was to be included again in December 2007 for new recruit training and as a module in the 2008 in-service training.</p>

**Table 37: Addressing Biased Policing in Washington, D.C.: Next Steps**

**(May 17, 2007)**

MPD reported there was no change in status from what was reported in PCB’s fiscal year 2009 annual report. PCB's recommendations and MPD’s updates are available at [www.policecomplaints.com](http://www.policecomplaints.com).

**Table 38: Drivers and Cellular Telephones: Increasing Public Awareness of District Law**

**(September 13, 2007)**

<b>Recommendation</b>	<b>Status</b>
<p>Develop and implement a long-term plan that makes the purposes of the Act. The District, under the guidance of DDOT, should develop a comprehensive plan to educate the public about the law. The effort could involve issuing news releases to media outlets asking that they remind the public of the law, creating public service announcements for broadcast on television and radio, and incorporating the other elements below. The plan should take into account the input of the Executive Office of the Mayor, MPD, DMV, and other interested stakeholders.</p>	<p><b>Adopted.</b> On January 12, 2008, the District Department of Transportation (DDOT) informed PCB that it added information about the law to its electronic message boards and was working with MPD to produce and distribute information cards about the law.</p> <p>DDOT now reports that it has developed a Distracted Driving Initiative for fiscal years 2009 and 2010 that is a part of the agency’s annual calendar of events. As part of this initiative, the agency conducted distracted driving campaigns on March 1-14, 2010, and October 1-14, 2010, coordinating informational spots in the media with focused enforcement by MPD.</p>
<p>Place signs at entry points into the District alerting drivers to the law. Placing signs at various entry points to the District is an easy and effective way to notify drivers of the law. DDOT should consider installing signs on major roads leading into and passing through the District, such as Interstate 295, Interstate 395, Route 1, Route 50, and Connecticut, Wisconsin, Georgia, Massachusetts, and Pennsylvania avenues.</p>	<p><b>Adopted.</b> On January 14, 2011, DDOT reported that signs have been placed at entry points into the District notifying drivers of the District’s law, and that DDOT also continues to display warnings on its message boards during the District Driving Campaign period at the entry points described below.</p>

Recommendation	Status
<p>Use electronic display boards in the District to remind drivers of the law. There are no electronic display boards in the District that alert motorists to the requirements of the law. DDOT should consider strategically placing electronic display boards in high traffic areas to assist with increasing compliance with the law.</p>	<p><b>Adopted.</b> On January 12, 2008, DDOT informed PCB that electronic message boards have been up and running for several weeks, notifying motorists of the District’s cell phone legislation. Display boards are currently in place at ten (10) locations, which are: (1) the inbound Theodore Roosevelt Bridge; (2) the Key Bridge; (3) Reservoir Road and MacArthur Boulevard, N.W.; (4) inbound Rhode Island Avenue, N.E. at the Metro Station; (5) inbound East Capitol Street outside RFK Stadium; (6) the 14th Street Bridge northbound main lane; (7) the 14th Street Bridge northbound HOV lane; (8) eastbound and westbound at the 11th Street Bridge on the SE/SW Freeway; (9) inbound New York Avenue, N.E., near the Washington Times Building; and (10) southbound 16th Street, N.W., at Columbia Road. The standard messages reads: “DC Cell Phone Law; Hands Free or \$100 Fine.”</p> <p>DDOT reported on December 1, 2010 that it continues to display warnings on its message boards during the Distracted Driver campaigns described above.</p>
<p>Provide informational pamphlets to car rental companies. The District should encourage car rental companies operating in the city to distribute informational pamphlets to customers. If those efforts are unsuccessful, the District should consider requiring that these materials be provided to customers. In addition, the District should encourage car rental companies in the metropolitan area outside of the District, including those located at Reagan National, Dulles, and BWI Marshall Airports, to do the same.</p>	<p><b>Adopted.</b> DDOT reported on January 12, 2008 that MPD distributed informational brochures to the following enterprises and organizations: T mobile; Verizon; AT&amp;T; Sprint; Simply Wireless; Radio Shack; PC Paging &amp; wireless; Starbucks; Washington Welcoming Center; American Gift Center; Catholic Information Center; National Geographic Museum; AAA Travel Insurance &amp; Information Center; American Express Travel Service; IPC Security; FBI Police; Zipcars &amp; FlexCars; Hotel Monaco Washington; Verizon Center; National Law Enforcement Offices Memorial visitors Center; Thrifty Car Rental; Amtrak Traveler’s Aid center; Amtrak Ticket Information Center; Avis Rental Car; Budget Rental Cars; National Rental Cars; Amtrak Police; Howard University Research Building #1; Protective Services Police; Howard University Bookstore; Howard Plaza Towers-West Side; Enterprise Rent-A-Car; Miners Building #14 (Howard University); Mackey Building (Howard University); Smithsonian American Art Museum; International Spy Museum-Refused to display; American University; Red Roof Inn; Embassy Suites; Hotel Harrington; Four Points by Sheraton; Madam Tussaude’s Wax Museum; Shakespeare Theater; Verizon Center; Science Museum of the National Academy of Sciences; Newseum;</p>
<p>Provide informational pamphlets to mobile phone retailers. The District should encourage mobile phone retailers in the city to display posters and provide informational pamphlets to customers about the law. If those efforts are unsuccessful, the District should consider requiring that information about the law be displayed in stores and distributed to customers. The District should also encourage other mobile telephone retailers in the metropolitan area to provide customers with similar information.</p>	
<p>Provide informational pamphlets to driving school or driver education businesses that operate in the District. The District should develop an informational pamphlet that can be distributed to driving schools and their students in the metropolitan area.</p>	
<p>Provide informational pamphlets to hotels, District visitor centers, museums, and other places of interest. The District should develop an informational pamphlet that can be made available at sites visited by large numbers of people from out of town.</p>	

Recommendation	Status
<p>Ensure that Metrobus and D.C. Circulator operators are aware of the Act. The District should work with the Washington Metropolitan Area Transit Authority (WMATA) and the D.C. Circulator bus system to make sure that all bus drivers know about the law and are complying with it.</p>	<p>and the Grand Hyatt Hotel.</p> <p>DDOT also reports that the materials are also given out at police checkpoints.</p>
<p>Ensure that overnight delivery companies and their drivers are aware of the Act. The District should work with overnight delivery companies to ensure that their drivers know about the law and are complying with it.</p>	
<p>Place logos or decals about the law on MPD police cruisers. Under this plan, MPD's efforts would go a long way towards helping to educate residents, commuters, visitors to the city, and MPD officers about the requirements of the Act.</p>	<p><b>Not adopted.</b> On December 20, 2007, MPD notified PCB that it has explored the idea of signs on police vehicles and decided that the risks associated with such decals outweigh the potential benefits. According to MPD, a 2006 study commissioned by the American Automobile Association, the odds of a crash more than double when the driver's eyes are off the road for more than two seconds. Any decals on police vehicles would need to be fairly small; if drivers were focusing on reading small decals, the distraction would be a danger and therefore not the best option for promoting traffic safety.</p>
<p>Provide continued training to MPD officers on the importance of enforcing and complying with the law. MPD should continue to emphasize to its officers – through roll calls, training opportunities, and internal MPD publications – the importance of officer compliance with the law and of the need to apply it fairly and consistently. Officers who do not follow the law or enforce it fairly should be disciplined.</p>	<p><b>Adopted.</b> On December 20, 2007, MPD reported that MPD officers continued to receive training through roll call training and 40-hour in-service training. Officers are trained to enforce the law fairly and disciplinary action is taken if it is determined that officers have violated the law.</p>
<p>Furnish adequate funds to carry out the Act. The District should explore a variety of options to help pay for the initiative, including applying for other federal grants and arranging for intra-District transfers of funds from MPD and DMV to DDOT. Having enacted the law, the District Council also has a special responsibility to ensure that it appropriates sufficient funds to support efforts related to the Distracted Driving Safety Act.</p>	<p><b>Adopted in part, not adopted in part.</b> DDOT reports that DDOT's Highway Safety Office included a Districted Driving Campaign in its media/educational budget for fiscal years 2010 and 2011, working with MPD to enforce the District's laws. DDOT stated further that no other funding source has been explored.</p>